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No. 39]

NEW DELHI, SATURDAY, SEPTEMBER 25, 1999/AS

इस भाग में मूल पृष्ठ संख्या दी जाती है जिसमें कि यह अलग संकलन के रूप में
रखा जा सके

Separate paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-Section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएँ

Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

गृह मंत्रालय

(पुनर्वास प्रभाग)

नई दिल्ली, 24 अगस्त, 1999

का.आ. 2670.—विस्थापित व्यक्ति (प्रतिकर एवं पुनर्वास)
अधिनियम, 1954 (1954 का 44) की धारा 34
की उप-धारा (2) द्वारा सूक्ष्म प्रदान शक्तियों का प्रयोग
करते हुए, मैं, एम. के. चट्टोपाध्याय, मुख्य बंदोबस्त
आयुक्त एतद्वारा उक्त अधिनियम के अन्तर्गत बताने गए
नियम 87, 88, 90(1) (क), 90(1) (ख), 95(11)
90(12) तथा (101) के अन्तर्गत बंदोबस्त आयुक्त
की शक्तियों का प्रयोग कर रहे पुनर्वास विभाग, हरियाणा
सरकार में संयुक्त सचिव/विशेष सचिव, जैसा भी मामला हो
को, क्षतिपूर्ति पूरा के एक भाग फरीदाबाद, एन. आई. टी.
सहित सभी भूमि व संपत्तियों, जिन्हें प्रशासकीय व वित्तीय
प्रबंधों के अन्तर्गत हरियाणा सरकार को अंतरित किया
गया था; के निपटान के प्रयोजन में शक्तियाँ सौंपता हूँ।

2. यह अधिसूचना सं. 1(1)/99-बंदोबस्त
ता. 14-7-99 के अधिक्रमण में जारी की गई है।

[सं. 1(1)/99-बंदोबस्त]

एम. के. चट्टोपाध्याय, मुख्य बंदोबस्त आयुक्त

MINISTRY OF HOME AFFAIRS

(Rehabilitation Division)

New Delhi, the 24th August, 1999

S.O. 2670.—In exercise of the powers conferred
on me under Sub-Section (2) of Section 34 of the
Displaced Persons (Compensation and Rehabilita-
tion) Act, 1954 (44 of 1954), I, S. K. Chatto-
phadhyay, Chief Settlement Commissioner hereby
delegate powers under Rules 87, 88, 90(1)(a),
90(1)(b), 90(11), 90(12) and 101 framed under
the said Act, to Joint Secretary/Special Secretary
as the case may be in the Rehabilitation Department
of the Government of Haryana, exercising the

powers of Settlement Commissioner for the purpose of disposal of all lands and properties including those in Faridabad N.I.T. forming part of the Compensation Pool which was transferred to the Government of Haryana, under Administrative and Financial Arrangements.

2. This supersedes Notification No. 1(1)/99-Settlement dated 14th July, 1999.

[No. 1(1)/99-Settlement]

S. K. CHATTOPADHYAY, Chief
Settlement Commissioner

नई दिल्ली, 24 अगस्त, 1999

का.आ. 2671.—विस्थापित व्यक्ति (प्रतिकर एवं पुनर्वास) अधिनियम, 1954 (1954 का 44) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा हरियाणा सरकार पुनर्वास प्रभाग में संयुक्त सचिव/विशेष सचिव, जैसा भी मामला हो, को उक्त अधिनियम द्वारा अथवा उसके तहत बंदोबस्त आयुक्त को सौंपे गए कार्यों के निष्पादन के उद्देश्य से हरियाणा राज्य में बंदोबस्त आयुक्त के रूप में नियुक्त करती है।

2. यह अधिसूचना सं. 1(1)/99-बंदोबस्त ता. 14-7-99 के अधिक्रमण में जारी की गई है।

[सं. 1(1)/99-बंदोबस्त]

फल सिंह, निदेशक (पूर्व-1)

New Delhi, the 24th August, 1999

S.O. 2671.—In exercise of the powers conferred by Sub-Section (i) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, (44 of 1954), the Central Government hereby appoints Joint Secretary/Special Secretary as the case may be in the Rehabilitation Department of Government of Haryana, as Settlement Commissioner in the State of Haryana for the purpose of performing the functions assigned to a Settlement Commissioner by or under the said Act.

2. This supersedes Notification No. 1(1)/99-Settlement dated 14th July, 1999.

[No. 1(1)/99-Settlement]

PHOOL SINGH, Director (R.I.)

नई दिल्ली, 24 अगस्त, 1999

का.आ. 2672.—विस्थापित व्यक्ति (प्रतिकर एवं पुनर्वास) अधिनियम, 1954 (1954 का 44) की धारा 34 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, में. एस. के. चट्टोपाध्याय, मुख्य बंदोबस्त आयुक्त एतद्वारा पुनर्वास विभाग, हरियाणा सरकार में संयुक्त सचिव/विशेष सचिव को, जैसा भी मामला हो, उक्त अधिनियम की

धारा 23, 24, 28 और 35 के अधीन मुख्य बंदोबस्त आयुक्त को प्रदत्त शक्तियाँ ऐसी सीपता हैं जिनका हरियाणा राज्य में स्थित ग्रामीण और शहरी निष्कांत भूमि और सम्पत्तियों के संबंध में प्रयोग किया जाएगा।

2. इससे दिनांक 14-7-99 की अधिसूचना सं. 1(1)/99-बंदोबस्त का अधिक्रमण किया जाता है।

[सं. 1(1)/99-बंदोबस्त]

एस. के. चट्टोपाध्याय, मुख्य बंदोबस्त आयुक्त

New Delhi, the 24th August, 1999

S.O. 2672.—In exercise of the powers conferred on me under Sub-Section (2) of Section 34 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), I, S. K. Chattopadhyay, Chief Settlement Commissioner do hereby delegate to Joint Secretary/Special Secretary as the case may be in the Rehabilitation Department of the Government of Haryana, exercising the powers of Settlement Commissioner, the powers conferred on the Chief Settlement Commissioner under Section 23, 24, 28 and 35 of the said Act in so far as such powers may be exercised in respect of rural and urban evacuee lands and properties situated in Haryana State.

2. This supersedes Notification No. 1(1)/99-Settlement dated 14th July, 1999.

[No. 1(1)/99-Settlement]

S. K. CHATTOPADHYAY, Chief
Settlement Commissioner

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 14 सितम्बर, 1999

का.आ. 2673.—केन्द्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए पटना उच्च न्यायालय में केन्द्रीय अन्वेषण ब्यूरो के रिटेनर काउंसिल श्री राकेश कुमार, अधिवक्ता, पटना को पटना उच्च न्यायालय में दिल्ली विशेष पुलिस स्थापना द्वारा अन्वेषित मामलों से उद्भूत अभियोजन, अपीलें, पुनरीक्षणों अथवा अन्य कार्यवाहियों का संचालन करने के लिये विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[सं. 225/25/99-ए.वी.डी.-II]

हरि सिंह, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSION

(Department of Personnel & Training)

New Delhi, the 14th September, 1999

S.O. 2673.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974),

the Central Government hereby appoints Sh. Rakesh Kumar, Advocate Patna, a Retainer Counsel of Central Bureau of Investigation in the Patna High Court as Special Public Prosecutor for conducting prosecution, appeals, revisions or other proceedings arising out of the cases investigated by the Delhi Special Police Establishment in the Patna High Court.

[No. 225/25/99-AVD. II]
HARI SINGH, Under Secy.

नई दिल्ली, 14 सितम्बर, 1999

का.आ. 2674.—केन्द्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कर्नाटक उच्च न्यायालय, बंगलौर में केन्द्रीय अन्वेषण ब्यूरो के रिटेनर काउंसल श्री के. तारानाथ शेट्टी, अधिवक्ता, बंगलौर को कर्नाटक उच्च न्यायालय में दिल्ली विशेष पुलिस स्थापना द्वारा अन्वेषित मामलों से उद्भूत अभियोजन, अपीलें, पुनरीक्षणों अथवा अन्य कार्यवाहियों का संचालन करने के लिये विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[सं. 225/27/99-ए.बी.डी.-II]

हरि सिंह, अवर सचिव

New Delhi, the 14th September, 1999

S.O. 2674.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints Sh. K. Taranath Shetty, Advocate, Bangalore, a Retainer Counsel of Central Bureau of Investigation in the Karnataka High Court at Bangalore as Special Public Prosecutor for conducting prosecution, appeals, revisions or other proceedings arising out of the cases investigated by the Delhi Special Police Establishment in the Karnataka High Court.

[No. 225/27/99-AVD. II]
HARI SINGH, Under Secy.

नई दिल्ली, 14 सितम्बर, 1999

का.आ. 2675.—केन्द्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये इलाहाबाद उच्च न्यायालय, इलाहाबाद में केन्द्रीय अन्वेषण ब्यूरो के रिटेनर काउंसल श्री गिरधर नाथ, अधिवक्ता, इलाहाबाद को इलाहाबाद उच्च न्यायालय में दिल्ली विशेष पुलिस स्थापना द्वारा अन्वेषित मामलों से उद्भूत अभियोजन, अपीलें, पुनरीक्षणों अथवा अन्य

कार्यवाहियों का संचालन करने के लिये विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[सं. 225/28/99-ए.बी.डी.-II]

हरि सिंह, अवर सचिव

New Delhi, the 14th September, 1999

S.O. 2675.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints Sh. Girdhar Nath, Advocate, Allahabad a Retainer Counsel of Central Bureau of Investigation in the Allahabad High Court as Special Public Prosecutor for conducting prosecution, appeals, revisions or other proceedings arising out of the cases investigated by the Delhi Special Police Establishment in the Allahabad High Court.

[No. 225/28/99-AVD. II]
HARI SINGH, Under Secy.

नई दिल्ली, 14 सितम्बर, 1999

का.आ. 2676.—केन्द्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये गुजरात उच्च न्यायालय, अहमदाबाद में केन्द्रीय अन्वेषण ब्यूरो के रिटेनर काउंसल श्री अमित जे. शाह अधिवक्ता, अहमदाबाद को गुजरात उच्च न्यायालय में दिल्ली विशेष पुलिस स्थापना द्वारा अन्वेषित मामलों से उद्भूत अभियोजन, अपीलें, पुनरीक्षणों अथवा अन्य कार्यवाहियों का संचालन करने के लिये विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[सं. 225/29/99-ए.बी.डी.-II]

हरि सिंह, अवर सचिव

New Delhi, the 14th September, 1999

S.O. 2676.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints Sh. Amit J. Shah, Advocate, Ahmedabad a Retainer Counsel of Central Bureau of Investigation in the Gujarat High Court at Ahmedabad as Special Public Prosecutor for conducting prosecution, appeals, revisions or other proceedings arising out of the cases investigated by the Delhi Special Police Establishment in the Gujarat High Court.

[No. 225/29/99-AVD. II]
HARI SINGH, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

सीमा शुल्क एवं केन्द्रीय उत्पाद शुल्क आधुनिक का कार्यालय
कोयम्बतूर 28 अप्रैल, 1999

संख्या : 02/99-सीमा शुल्क (एन.टी.)

का.आ. 2677:—सीमा शुल्क अधिनियम 1962 की धारा 152खंड (ए) के अन्तर्गत भारत सरकार, वित्त मंत्रालय राजस्व विभाग, नई दिल्ली के दिनांक 1 जुलाई, 1994 के अधिसूचना संख्या 33/94 सीमा शुल्क (एन.टी.) के अधीन अधोद्वारताक्षरी को प्रत्यायोजित शक्तियों का प्रयोग करते हुए, मै.ए. के. मेहता, आयुक्त, सीमा शुल्क एवं केन्द्रीय उत्पाद शुल्क, कोयम्बतूर एतद्द्वारा तमिलनाडु राज्य, कोयम्बतूर जिला, पल्लडम तालुक के सुक्कम्पालयम ग्राम को सीमा शुल्क अधिनियम 1962 की धारा 9 के अन्तर्गत 100% निर्यातात्मक एकक (ई.ओ.यू.) के गठन के उद्देश्य से भाण्डारण स्टेशन के रूप में घोषित करता है। जैसा कि उद्योग मंत्रालय, औद्योगिक सहायता विभाग, नई दिल्ली द्वारा अनुमोदित है।

[फाइल नं. स. /VIII/40/02/99-सीमा शुल्क-नीति]

ए.के. मेहता, आयुक्त

MINISTRY OF FINANCE

(Department of Revenue)

OFFICE OF THE COMMISSIONER OF
CUSTOMS AND CENTRAL EXCISE

Coimbatore, the 28th April, 1999

N. 2/99-CUSTOMS (NT)

S.O. 2677.—In exercise of the powers delegated to the undersigned vide Notification No. 33/94-Cus.(NT) dated 1st July, 1994 by the Government of India, Ministry of Finance, Department of Revenue, New Delhi under clause (a) of Section 152 of the Customs Act, 1962, I, A. K. Mehta, Commissioner of Customs and Central Excise, Coimbatore, hereby declare Sukkampalayam Village, Palladam Taluk, Coimbatore District, State of Tamilnadu, to be a warehousing station under Section 9 of the Customs Act, 1962 for the purpose of setting up of 100% Export Oriented Unit, as approved by the Ministry of Industries, Secretariate of Industrial Assistance, New Delhi.

[File C. No. VIII/40/02/99-Cus. Pol.]

A. K. MEHTA, Commissioner

कोयम्बतूर, 28 अप्रैल, 1999

कोयम्बतूर आयुक्तालय के दिनांक 28-4-99 के अधिसूचना सं. 2/99 के लिए शुद्धि पत्र।

का.आ. 2678:—सीमा शुल्क अधिनियम 1962 की धारा 152 के अन्तर्गत अधिसूचना सं. 33/94 सीमा शुल्क

(एन.टी.) दिनांक 1-7-94 के अधीन अधोद्वारताक्षरी को प्रत्यायोजित शक्तियों के अनुसरण में इस आयुक्तालय द्वारा जारी अधिसूचना सं. 02/99 दिनांक 28-4-99 की ओर ध्यान आकर्षित किया जाता है।

2. कथित अधिसूचना में :—

(क) शब्द “सुक्कम्पालयम ग्राम” के स्थान पर “पल्लडम ग्राम” प्रतिस्थापित किया जाए।

(ख) शब्द “उद्योग मंत्रालय औद्योगिक सहायता सचिवालय, नई दिल्ली” के स्थान पर “शब्द “वाणिज्य मंत्रालय, मद्रास निर्यात प्रक्रिया क्षेत्र, चेन्नई-600 045” प्रतिस्थापित किया जाए।

3. अधिसूचना में अन्यथा कोई संशोधन नहीं।

[फाइल नं. स. : VIII/40/02/99-सीमा शुल्क-नीति]

ए.के. मेहता, आयुक्त

Coimbatore, the 28th April, 1999

CORRIGENDUM TO NOTIFICATION
NO. 2/99-CUS.(NT) DATED 28-4-1999
OF COIMBATORE COMMISSIONERATE

S.O. 2678.—Attention is invited to this Commissionerate's Notification No. 2/99-Cus. (NT) dated 28-4-1999 issued in pursuance of the powers delegated to the undersigned vide Notification No. 33/94 -Cus. (NT) dated 1-7-1994 under Section 152 of Customs Act, 1962.

2. In the said Notification :—

(a) Instead of the words “Sukkampalayam village”, the words “Palladam village” may be substituted.

(b) Instead of the words “Ministry of Industries, Secretariate for Industrial Assistance, New Delhi”, the following words may be substituted “Ministry of Commerce, Madras Export Processing Zone, Chennai-600045”.

3. The Notification otherwise remains unaltered.

[File C. No. VIII/40/02/99-Cus. Pol.]

A. K. MEHTA, Commissioner

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 14 मितम्बर, 1999

का.आ. 2679:—सर्व साधारण की जानकारी के लिये यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा मैसर्स एक्सपोर्ट इम्पोर्ट बैंक आफ इन्डिया, मुम्बई को आयुक्त अधिनियम, 1961 की धारा 36(1)(8) के प्रयोजनार्थ कर-निर्धारण वर्ष 1999-2000 के लिये देश में औद्योगिक और मूलभूत सुविधा संबंधी विकास के लिये दीर्घकालिक वित्त व्यवस्था प्रदान करने में संलग्न एक निगम के रूप में अनुमोदित किया गया है।

2. यह अनुमोदन इस शर्त पर दिया जाता है कि यह कम्पनी आयकर अधिनियम, 1961 की धारा 36(1)(8) के उपबंधों के अनुरूप होगी और उनका अनुपालन करेगी।

[अधिसूचना सं. 11078/फा.सं. 204/28/98-आ.क.नि.-II]

कमलेश सी. वाण्येय, अपर सचिव

(Central Board of Direct Taxes)

New Delhi, the 14th September, 1999

S.O. 2679.—It is notified for general information that M/s. Export Import Bank of India, Mumbai, has been approved by the Central Government as a Corporation engaged for providing long term finance for industrial and infrastructure development in the Country for the purpose of section 36(1)(viii) of the Income tax Act, 1961, for the assessment year 1999-2000.

2. The approval is subject to the condition that the company will conform to and comply with the provisions of section 36(1)(viii) of the Income tax Act, 1961.

[Notification No. 11078/F.No. 204/28/98-ITA-II]

KAMLESH C. VARSHNEY, Under Secy.

आयकर महानिदेशक (छूट) का कार्यालय

कलकत्ता, 3 मई, 1999

आयकर

का.आ. 2680.—गर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया गया है :—

- (1) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।
- (2) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिक भवन" न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और
- (3) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35 (1) में दी गई

रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम : गर्वन्मैण्ट टूल रूम एण्ड ट्रेनिंग सेंटर.

राजाजी नगर इंडस्ट्रियल इस्टेट, बेंगलूर-560044

यह अधिसूचना दिनांक 1-4-97 से 31-3-2000 तक की अवधि के लिए प्रभावी है।

टिप्पणी :—1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सूचित किया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र को विभाग को प्रस्तुत करता है। उस आवेदन पत्र की छः प्रतियां अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या : 1929/एफ.म. स.नि./आ.क. (छूट)/के.टी. 35/35(1)/(ii)/90-91]

मुकेश कुमार, अपर निदेशक आयकर (छूट)

OFFICE OF THE DIRECTOR GENERAL OF INCOME TAX (EXEMPTIONS)

Calcutta, the 3rd May, 1999

INCOME-TAX

S.O. 2680.—It is hereby notified for general information that the organisation mention below has been approved by the prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub section (1) of section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan' New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation,

by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

GOVERNMENT TOOL ROOM AND TRAINING CENTRE

Rajajinagar Industrial Estate,
Bangalore-560 044.

This Notification is effective for the period from 01-04-97 to 31-03-2000.

- Note : 1. Condition (i) above will not apply to organisations categorised as associations.
2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1929/F. No. DG[IT(E)]NT-35/35(1)(ii)/90-91]

MUKESH KUMAR, Addl. Director of Income Tax (Exemptions)

कलकत्ता, 3 मई, 1999

आयकर

का. आ. 2681.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया गया है :—

- (1) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।
- (2) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिक भवन," न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा, और
- (3) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35 (1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम : नेशनल एकाडेमी ऑफ मेडिकल साइन्सेस

(इंडिया), अंसारी नगर,

महात्मा गांधी मार्ग, नई दिल्ली-110029

यह अधिसूचना दिनांक 1-4-97 से 31-3-2000 तक की अवधि के लिए प्रभावी है।

टिप्पणी :—1. उपर्युक्त शर्त (1) "संव" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की विभाग को प्रस्तुत करता है। उस आवेदन पत्र की छः प्रति अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या : 1930/एफ. सं० म.नि./आ.क. (छूट)/
एन.डी.-114/35(1)(ii)/90-91]
मुकेश कुमार, अपर निदेशक आयकर (छूट)

Calcutta, the 3rd May, 1999

INCOME-TAX

S.O. 2681.—It is hereby notified for general information that the organisation mentioned below has been approved by the prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan' New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

NATIONAL ACADEMY OF MEDICAL SCIENCES (INDIA),

Ansari Nagar,
Mahatma Gandhi Marg,
New Delhi-110 029.

This Notification is effective for the period from 1-4-97 to 31-3-2000.

Note : 1. Condition (1) above will not apply to organisations categorised as associations.

2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax|Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1930|F. No. DG|IT(E)|ND-114|35(1)(ii)|90-91]

MUKESH KUMAR, Addl. Director of Income Tax (Exemptions)

कलकत्ता, 3 मई, 1999

आयकर

का. आ. 2682.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर “संस्थान” के संवर्ग के अधीन अनुमोदित किया गया है:—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियाँ रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, “प्रौद्योगिक भवन” न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा, और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35 (1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम : डी चिल्ड्स ट्रस्ट मेडिकल रिसर्च फाउण्डेशन
12-ए, नगेश्वारा रोड, नूंगामबक्कम,
मद्रास-600 034

यह अधिसूचना दिनांक 1-4-97 से 31-3-2000 तक की अवधि के लिए प्रभावी है।

टिप्पणी :—1. उपर्युक्त शर्त (1) “संघ” जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है, के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करे, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदनपत्र की विभाग को प्रस्तुत करता है। उस आवेदनपत्र की छः प्रति अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[मं. 1931/एफ.सं.म.नि./आ.क.(छूट)/टी एन. 6/35(1)(ii)/90-91]

मुकेश कुमार, अपर निदेशक आयकर (छूट)

Calcutta, the 3rd May, 1999

INCOME TAX

S.O. 2682.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category “Institution” subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, ‘Technology Bhawan’, New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax|Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION :

THE CHILDS TRUST MEDICAL RESEARCH
FOUNDATION,
12-A, Nageswara Road,
Nungambakkam,
Madras-600 034.

This Notification is effective for the period from 1-4-97 to 31-3-2000.

Note : 1. Condition (i) above will not apply to organisations categorised as associations.

2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax|Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1931|F. No. DG|IT(E)|TN-6|35(1)(ii)|90-91]

MUKESH KUMAR, Addl. Director of Income Tax (Exemptions)

कलकत्ता, 3 मई, 1999

आयकर

का. आ. 2683.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संघ" के संघर्ष के अधीन अनुमोदित किया गया है:—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिक भवन", न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35 (1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम : जी. एम. डी. सी. साइन्स एण्ड रिसर्च सेंटर,
ग्रम्बाजी, डिस्ट्रिक्ट. बनसकन्था-385 110
(गुजरात)

यह अधिसूचना दिनांक 1-4-97 से 31-3-2000 तक की अवधि के लिए प्रभावी है।

टिप्पणी :—1. उपर्युक्त शर्त (1) "संघ" जैसा संघर्ष के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है, के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की विभाग को प्रस्तुत करना है। उस आवेदन-पत्र की छः प्रति अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या 1932 /एफ. सं. म. नि./आ. क. (छूट)/
जी-70/35(1)(ii)/90-91]
मुकेश कुमार, अपर निदेशक आयकर (छूट)

Calcutta, the 3rd May, 1999

INCOME-TAX

S.O. 2683.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax|Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION :

GMDC SCIENCE AND RESEARCH CENTRE,
Ambaji,
Distt. Banaskantha-385 110
(Gujarat).

This Notification is effective for the period from 1-4-97 to 31-3-2000.

Note : 1. Condition (i) above will not apply to organisations categorised as associations.

2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1932/F. No. DG/IT(E)/G-70/35(1)(ii)/90-91]

MUKESH KUMAR, Addl. Director of Income Tax (Exemptions)

कलकत्ता, 11 मई, 1999

आयकर

का.आ. 2684.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आय कर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संघर्ष के अधीन अनुमोदित किया गया है :—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए, प्रत्येक वर्ष के 31 मई तक, सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन", न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग, और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिस्चें किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम : डी मिल्स एण्ड आर्टिल्स मिल्स रिसर्च एसोसिएशन, "सासमिरा" सावमिरा मार्ग, बार्ली, बम्बे-400025

1-4-98 से 31-3-2000 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्तें (i) "संघ" जैसा संघर्ष के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट), जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की विभाग को प्रस्तुत करना है। उस आवेदन पत्र की छः प्रतियां अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या 1933/एफ. सं. ब. नि./आ.क. (छूट)/एम-129/35(1)(ii)/90-91]

मुकेश कुमार, अपर निदेशक आयकर (छूट)

Calcutta, the 11th May, 1999

INCOME-TAX

S.O. 2684.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Institute" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

THE SILK AND ART SILK MILLS RESEARCH ASSOCIATION,
'SASMIRA' Sasmira Marg,
Worli,
Bombay-400 025.

This Notification is effective for the period from 1-4-98 to 31-3-2000.

Note : 1. Condition (i) above will not apply to organisations categorised as associations.

2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director

General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax|Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1933|F. No. DG|IT(E)|M-129|35(1)(ii)|90-91]

MUKESH KUMAR, Addl. Director of Income Tax (Exemptions)

कलकत्ता, 11 मई, 1999

आयकर

का.आ. 2685.—सर्वसाधारण को पत्रद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (iii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया गया है :—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा-वहियां रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन," न्यू मेहरोली रोड, नई दिल्ली - 110016 को भेजेगा, और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35 (1) में दी गई रिस्त्रिक्शन किया गया कार्यों से संबंधित दी गई छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम: दी इंडियन सोसायटी ऑफ इंटर नेशनल लॉ, नं. 9, भगवानदास रोड, नई दिल्ली-110001

यह अधिसूचना दिनांक 1-4-96 से 31-3-1999 तक की अवधि के लिए प्रभावी है।

ट्रिप्लिकी : 1. उपयुक्त शर्त (i) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्रा-

धिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की प्रति विभाग को प्रस्तुत करना है। उस आवेदन पत्र की छः प्रतियां अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या: 1934/फ. सं. म. नि./आ. क. (छूट)/एन.डी. 8 35(1)(iii)/90-91]

मुकेश कुमार, अपर निदेशक आयकर (छूट)

Calcutta, the 11th May, 1999

INCOME-TAX

S.O. 2685.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (iii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan' New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax|Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income tax Act, 1961.

NAME OF THE ORGANISATION

THE INDIAN SOCIETY OF INTERNATIONAL LAW

No. 9, Bhaghwan Dass Road, New Delhi-110 001.

This Notification is effective for the period from 1-4-96 to 31-3-1999.

Notes : 1. Condition (i) above will not apply to organisations categorised as associations.

2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions).

Calcutta through the Commissioner of Income-tax [Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1934/F. No. DG/IT(E)/ND-8/35(1)(iii)/90-91]

MUKESH KUMAR, Addl. Director of Income Tax (Exemptions)

कलकत्ता, 11 मई, 1999

आयकर

का.आ. 2686.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (iii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया जाता है :—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा ;
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन," न्यू महारौली रोड, नई दिल्ली-110016 को भेजेगा ; और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा परीक्षित आय-व्यय हिसाब की भी प्रस्तुत करेगा ।

संगठन का नाम : इंस्टीच्यूट ऑफ डेवलपमेंट स्टडीज,
8बी-ज्हालना इंस्टीच्यूट एरिया,
जयपुर-302004.

यह अधिसूचना दिनांक 04-2-98 से 31-3-2000 तक की अवधि के लिए प्रभावी है ।

टिप्पणी : 1. उपर्युक्त शर्त (i) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा ।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के

संबंध में किए आवेदन-पत्र की विभाग को प्रस्तुत करना है । उस आवेदन पत्र की छः प्रति अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है ।

[संख्या : 1935/एफ सं.म.नि./आ.क. (छूट)/आर-15
/35(1)(iii)/90-91]

मुकेश कुमार, अपर निदेशक आयकर (छूट)

Calcutta, the 11th May, 1999

INCOME-TAX

S.O. 2686.—It is hereby notified for general information that the organisation mentioned below has been approved by the prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (iii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan' New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax [Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Institute of Development Studies,
8B-Jhalana Institutional Area,
Jaipur-302 004.

This Notification is effective for the period from 4-2-98 to 31-3-2000.

Note : 1. Condition (i) above will not apply to organisations categorised as associations.

2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax [Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application

for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1935/F. No. DG/IT(E)/R-15/35(1)(iii)/90-91]

MUKESH KUMAR, Addl. Director of Income Tax (Exemptions)

कलकत्ता, 21 मई, 1999

आयकर

का.आ. 2687.— सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (iii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया गया है :—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियों रखेगा ;
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग "प्रौद्योगिक भवन," न्यू महारौली रोड, नई दिल्ली-110016 को भेजेगा, और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट); (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग, और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा ।

संगठन का नाम : इंस्टीच्यूट फोर स्टडीज इन इंडस्ट्रियल डेवलपमेंट, डी-II/2, II पी.ए. कम्पास, आई.पी. इस्टेट, नई दिल्ली-110002.

यह अधिसूचना दिनांक 1-4-97 से 31-3-2000 तक की अवधि के लिए प्रभावी है ।

टिप्पणी : 1. उपर्युक्त शर्त (i) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा ।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने

के संबंध में किए आवेदन पत्र की विभाग को प्रस्तुत करना है । उस आवेदन पत्र की छः प्रति अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है ।

[संख्या 1936/एफ. सं.म. नि./आ.क. (छूट)/एन.डी.-9/35(1)(iii)/90-91]

मुकेश कुमार, अपर निदेशक आयकर (छूट)

Calcutta, the 21st May, 1999

INCOME-TAX

S.O. 2687.—It is hereby notified for general information that the organisation mentioned below has been approved by the prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (iii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Institute for studies in Industrial Development, D-II/2, II PA Campus, I.P. Estate, New Delhi-110 002.

This Notification is effective for the period from 1-4-97 to 31-3-2000.

Note : 1. Condition (i) above will not apply to organisations categorised as associations.

2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent

directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1936/F. No. DG/IT(E)/ND-9/35(1)(iii)/90-91]

MUKESH KUMAR, Addl. Director of Income Tax (Exemptions)

कलकत्ता, 21 मई, 1999

आयकर

का. आ. 2688.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया गया है :—

- (i) संगठन अनुसंधान कार्यों के लिए, अलग लेखा बहियां रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिक भवन" न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्व किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम : इंडियन नेशनल एकेडमी आफ इंजीनियरिंग नं. 117, भोजिस्टिंग फाकुल्टी, नालन्दा हाउस, आई.आई.टी. कम्पास, हाउस खास, नई दिल्ली-110016

यह अधिसूचना दिनांक 1-4-99 से 31-3-2000 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (i) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को

तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की विभाग को प्रस्तुत करना है। उस आवेदन पत्र की छः प्रति अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या 1937/एफ.सं.म.नि./आ.क. (छूट)/(एन.डी.-56 35/(1)(ii)/90-91]

मुकेश कुमार, अपर निदेशक, आयकर (छूट) कल:

Calcutta, the 21st May, 1999

INCOME TAX

S.O. 2688.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions:

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhawan' New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Indian National Academy of Engineering,
No. 117, Visiting Faculty,
Nalanda House IIT Campus,
Hauz Khas,
New Delhi-110 016.

This Notification is effective for the period from 1-4-97 to 31-3-2000.

Notes:

1. Condition (i) above will not apply to organisations categorised as associations.
2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1937/F. No. DG/IT(E)/ND-56/35(1)(ii)/90-91]

MUKESH KUMAR, Addl. Director of Income Tax (Exemptions)

कलकत्ता, 21 मई, 1999

आयकर

का. आ. 2689 —सर्वसाधारण का एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संघ" के संवर्ग के अधीन अनुमोदित किया गया है :—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहिया रखेगा,
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिक भवन" न्यू महरौली रोड, नई दिल्ली-110016 को भेजेगा, और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्व किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम : इंडियन नेशनल साइंस एकाडेमी,
'बाहादुर शाह जफर मार्ग',
नई दिल्ली-110002

यह अधिसूचना दिनांक 1-4-99 से 31-3-2000 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (i) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता का तीन प्रतियों में आवेदन करे, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन पत्र को विभाग को प्रस्तुत करना है। उस आवेदन पत्र की छ. प्रति अनुमोदन की अवधि

बढ़ाने के लिए सीधा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या 1938/एक. सं. मा. नि./आ.क. (छूट)/
एन.डी.-76/35(1) 3(ii)/90-91]
मुकेश कुमार, अपर निदेशक आयकर (छूट)

Calcutta, the 21st May, 1999
INCOME-TAX

S.O. 2689.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category "Association" subject to the following conditions:

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhawan' New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Indian National Science Academy,
Bahadur Shah Zafar Marg,
New Delhi-110 002.

This Notification is effective for the period from 1-4-99 to 31-3-2000.

Notes:

1. Condition (i) above will not apply to organisations categorised as associations.
2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval (for further extension of the exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1938/F. No. DG/IT(E)/ND-76/35(1)(ii)/
90-91]

MUKESH KUMAR, Addl. Director of Income Tax
(Exemptions)

कलकत्ता, 21 मई 1998

आयकर

का. आ. 2690.—सर्वसाधारण का एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के

खण्ड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संघ" के संदर्भ के अधीन अनुमोदित किया गया है :—

- (i) संगठन अनुसंधान कार्यों के लिए अलग से लेखा बहियां रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, 'प्रौद्योगिक भवन' न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिस्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित माय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम : बतरा मेडिकल रिसर्च सेंटर,
1, तुगलकाबाद इंस्टीच्यूटनल एरिया,
एम. रोड, नई दिल्ली-110062

यह अधिसूचना दिनांक 1-4-96 से 31-3-1999 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्तों (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की प्रति विभाग को प्रस्तुत करना है। उस आवेदन पत्र की छः प्रतियां अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या 1939/एफ. अं. म. नि./प्रा. क. (छूट)/जे. एण्ड के-2/35(1)(ii)/90-91]

मुकेश कुमार, अपर निदेशक आयकर (छूट)

Calcutta, the 21st May, 1999

INCOME-TAX

S.O. 2690.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category "Association" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhawan' New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions); (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Batra Medical Research Centre,
1, Tughlakabad Institutional Area,
M.B. Road,
New Delhi-110 062.

This Notification is effective for the period from 1-4-96 to 31-3-1999.

Note :

1. Condition (i) above will not apply to organisations categorised as associations.
2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1939/F. No. DG/IT(E)/J&K-2/35(1)(ii)/90-91]

MUKESH KUMAR, Addl. Director of Income Tax (Exemptions)

कलकत्ता, 21 मई, 1999

आय-कर

का. आ. 2691.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया गया है :—

- (i) संगठन अनुसंधान कार्यों के लिए अलग से लेखा बहियां रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक

व औद्योगिक अनुसंधान विभाग, 'प्रौद्योगिकी भवन' न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा, और

- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम : जयराम दास पटेल साइंटिफिक रिसर्च फाउण्डेशन 705, एरोस अपार्टमेंट्स, 56, नेहरू प्लेस, नई दिल्ली-110019

यह अधिसूचना दिनांक 1-4-96 से 31-3-1998 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्तें (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की प्रति विभाग को प्रस्तुत करना है। उस आवेदन पत्र की छः प्रतियां अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या 1940/एफ. स. म. नि./आ. क. (छूट)/
एन. डी.-17/35(1)(ii)/90-91]

मुकेश कुमार, अपर निदेशक आयकर (छूट)

Calcutta, the 21st May, 1999

INCOME-TAX

S.O. 2691.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions:

- (i) The organisation will maintain separate books of accounts for its research activities;

(ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhawan' New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and

- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Jayramdas Patel Scientific Research Foundation
705, Eros Apartments,
56, Nehru Place,
New Delhi-110 019.

This Notification is effective for the period from 1-4-96 to 31-3-1998.

Notes:

1. Condition (i) above will not apply to organisations categorised as associations.
2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1940/F. No. DG/IT(E)/ND-17/35(1)(ii)/90-91]

MUKESH KUMAR, Addl. Director of Income Tax (Exemptions)

कलकत्ता, 31 मई, 1999

आय-कर

का.आ. 2692.—सर्व-साधारण को एतद्द्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (i) के खंड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया गया है:—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।

- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, 'प्रौद्योगिकी भवन' न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा, और

- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखापरीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त

आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35 (1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम : सेंटर फॉर ईन्वैरोनमेंटल प्लानिंग एण्ड टेक्नोलॉजी 11 सी.ई.पी.टी.-II
कस्तूरभाई लालूभाई कैम्पस,
यूनिवर्सिटी रोड, नवरंगपुरा,
अहमदाबाद-380009

यह अधिसूचना दिनांक 1-4-98 से 31-3-2001 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीनों प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन पत्र को विभाग को प्रस्तुत करना है। उस आवेदन पत्र की छः प्रति अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या 1941/एफ.सं. म.नि./आ.क. (छूट)/जी-72/
35(1)(ii)/90-91]

पी.सी. बिस्वास, संयुक्त निदेशक आयकर (छूट)

Calcutta, the 31st May, 1999

INCOME-TAX

S.O. 2692.—It is hereby notified for general information, that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities ;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technological Bhawan' New Mohrauli Road, New Delhi-110016 for every financial year by 31st May of each year ; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research

activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Centre for Environmental Planning and Technology (CEPT),
Kasturbhai Lalbhai Campus,
University Road,
Navrangpura,
Ahmedabad-380 009.

This Notification is effective for the period from 1-4-98 to 31-3-2001.

Notes :

1. Condition (i) above will not apply to organisations categorised as associations.
2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1941/F. No. DG/IT(E)/G-72/35(1)(ii)/90-91]

P. C. BISWAS, Jt Director of Income Tax (Exemptions)

कलकत्ता, 31 मई, 1999

आयकर

का.आ. 2693.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संघ" के संवर्ग के अधीन अनुमोदित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिक भवन" न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है, और आयकर अधिनियम, 1961 की धारा 35 (i) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम : इन्स्टीच्यूट ऑफ किडनी डिजिजेज एण्ड
रिसर्च सेंटर, सिविल हॉस्पिटल कैम्पस,
अहमदाबाद-380016

यह अधिसूचना दिनांक 1-4-99 से 31-3-2001 तक
की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (i) "संघ" जैसा संवर्ग के लिए
लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे
अनुमोदन की अवधि बढ़ाने के लिए आयकर
आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्रा-
धिकार में संगठन पड़ता है के माध्यम से आय-
कर महानिदेशक (छूट) कलकत्ता
की तीन प्रतियों में आवेदन करे, अनुमोदन
की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र
की प्रतियां को प्रस्तुत करना है। उस आवेदन
पत्र की छः प्रति अनुमोदन की अवधि बढ़ाने के
लिए सीधा सचिव, वैज्ञानिक एवं औद्योगिक अनु-
संधान विभाग के पास भेजना है।

[संख्या 1942/एफ. रं. म. नि. /आ. क. (छूट)/जी-1/
35(1)(ii) 90-91]

पी. सी. बिश्वास, संयुक्त निदेशक आयकर (छूट)

Calcutta, the 31st May, 1999

INCOME-TAX

S.O. 2693.—It is hereby notified for general information
that the organisation mentioned below has been approved
by the Prescribed Authority under Rule 6 of the Income-tax
Rules, for the purposes of clause (ii) of sub-section (1) of
Section 35 of the Income-tax Act, 1961 under the category
"Association" subject to the following conditions :

- The organisation will maintain separate books of
accounts for its research activities ;
- It will furnish the Annual Return of its scientific
research activities to the Secretary, Department of
Scientific and Industrial Research, 'Technology
Bhawan' New Mehrauli Road, New Delhi-110016
for every financial year by 31st May of each year ;
and
- It will submit to the (a) Director General of Income-
tax (Exemptions), (b) Secretary, Department of Sci-
entific and Industrial Research, and (c) Commis-
sioner of Income-tax/Director of Income-tax (Ex-
emptions), having jurisdiction over the organisation,
by the 31st October each year, a copy of its audited
Annual accounts and also a copy of audited Income
and Expenditure Account in respect of its research
activities for which exemption was granted under
sub-section (1) of Section 35 of Income-tax Act,
1961.

NAME OF THE ORGANISATION

Institute of Kidney Diseases & Research Centre,
Civil Hospital Campus,
Ahmedabad-380 016.

This Notification is effective for the period from 1-4-99 to
31-3-2001.

Notes :

- Condition (i) above will not apply to organisations
categorised as associations.
- The organisation is advised to apply in triplicate and
well in advance for further extension of the ap-
proval, to the Director General of Income-tax (Ex-
emptions), Calcutta through the Commissioner of
Income-tax/Director of Income-tax (Exemptions)
having jurisdiction over the organisation. Six copies
of the application for extension of approval should
be sent directly to the Secretary, Department of
Scientific and Industrial Research.

[No. 1942/F. No. DG/IT(E)/G-1/35(1)(ii)/90-91]

P. C. BISWAS, Jt. Director of Income Tax (Exemptions)

कलकत्ता, 31 मई, 1999

आयकर

का.आ. 2694.—सर्वसाधारण को एतद्वारा सूचित किया
जाता है कि निम्नलिखित संगठन को आयकर अधिनियम,
1961 की धारा 35 की उपधारा (1) के खंड (ii) के
लिए आयकर नियम के नियम 6 के अधीन विहित प्राधि-
कारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के
अधीन अनुमोदित किया गया है :—

- संगठन अनुसंधान कार्यों के लिए अलग लेखा
बहियां रखेगा,
- यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का
एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए
प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व
औद्योगिक अनुसंधान विभाग, "प्रौद्योगिक भवन"
न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा;
और
- यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित
वार्षिक लेखा की प्रति (क) आयकर महानिदेशक
(छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक
अनुसंधान विभाग और (ग) आयकर आयुक्त/
आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार
में उक्त संगठन पड़ता है और आयकर अधिनियम,
1961 की धारा 35(1) में दी गई रिसर्च किया गया
संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय
हिस्सा को भी प्रस्तुत करेगा।

संगठन का नाम : नेशनल हार्टीकल्चरल रिसर्च एण्ड
डेवलपमेंट फाउण्डेशन, भगवानी भवन,
47, इण्डस्ट्रियल एरिया, पंचा रोड,
जनकपुरी, नई दिल्ली-110058

यह अधिसूचना दिनांक 1-4-98 से 31-3-2001 तक
की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (i) "संघ" जैसा संवर्ग के लिए
लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे
अनुमोदन की अवधि बढ़ाने के लिए आयकर

आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट); कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की विभाग को प्रस्तुत करना है। उस आवेदन-पत्र की छः प्रति अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या 1943/एफ.सं. म. नि./आ.क. (छूट)/एन.डी.-

66/35(1) (ii) 90-91]

पी.सी. विश्वास, संयुक्त निदेशक आयकर (छूट)

Calcutta, the 31st May, 1999

INCOME-TAX

S.O. 2694.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions:

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhawan' New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

National Horticultural Research & Development Foundation,
Bhagwani Bhavan,
47, Industrial Area,
Pankha Road, Japakpuri,
New Delhi-110 058.

This Notification is effective for the period from 1-4-98 to 31-3-2001.

Notes:

1. Condition (i) above will not apply to organisations categorised as associations.
2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1943/F. No. DG/IT(E)/ND-66/35(1) (ii) 90-91]

P. C. BISWAS, Jt. Director of Income Tax (Exemptions)

कलकत्ता, 31 मई, 1999

आयकर

का.आ. 2695.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (iii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिक भवन," न्यू मेहरोली रोड, नई दिल्ली—110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35 (1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम : स्वीकार गृहार्बिलिटेेशन इंस्टीट्यूट फॉर हेण्टीकैन्ड, उपकार सर्कल, पिकेट,
मिकन्दराबाद-500003

यह अधिसूचना दिनांक 1-4-98 से 31-3-2001 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्तें (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की विभाग को प्रस्तुत करना है। उस आवेदन पत्र की छः प्रति अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या 1944/एफ. सं. म. नि./आ.क. (छूट)
ए.पी.-19/35(1) (iii)/90-91]

पी.सी. विश्वास, संयुक्त निदेशक आयकर (छूट)

Calcutta, the 31st May, 1999

INCOME-TAX

S.O. 2695.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (iii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions:

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhawan' New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Sweekaar Rehabilitation Institute for Handicapped,
Upkaar Circle,
Picket,
Secunderabad-500 003.

This Notification is effective for the period from 1-4-98 to 31-3-2001.

Notes:

1. Condition (i) above will not apply to organisations categorised as associations.
2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

No. 1944/F. No. DG/IT(E)/AP-19/35(1)(iii)/90-91]

P. C. BISWAS, Jt. Director of Income Tax (Exemptions)

कलकत्ता, 2 जून, 1999

आयकर

का.आ. 2696.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया गया है:—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए

प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिक भवन" न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और

- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट) (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम : नेशनल काउंसिल फॉर सीमेंट एण्ड बिल्डिंग मैटीरियल्स,
पी-21, साउथ एक्सटेंशन, पार्ट-II,
रिंग रोड, नई दिल्ली-110049

यह अधिसूचना दिनांक 1-4-1999 से 31-3-2001 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपयुक्त शर्त (1) "संव" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट); कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र को विभाग को प्रस्तुत करना है। उस आवेदन पत्र की छः प्रति अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या 1945/एफ. सं. म.नि./आ.क. (छूट)/
एन.डी.-62/35(1)(ii)/90-91]
पी.सी. विश्वास, संयुक्त निदेशक आयकर (छूट)

Calcutta, the 2nd June, 1999

INCOME-TAX

S.O. 2696.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions:

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhawan' New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and

- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

National Council for Cement and Building Materials,
P-21, South Extension,
Part-II, Ring Road,
New Delhi-110049.

This Notification is effective for the period from 1-4-99 to 31-3-2001.

Notes :

1. Condition (i) above will not apply to organisations categorised as associations.
2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1945/F. No. DG/IT(E)/ND-62/35(1)(ii)/90-91]

P. C. BISWAS, Jt. Director of Income Tax (Exemptions)

कलकत्ता, 7 जून, 1999

आयकर

का.आ. 2697.—सर्वसाधारण को एनद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (iii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया गया है :—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा,
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिक भवन", न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिस्चें

किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम :

इंस्टीच्यूट आफ बैंकिंग पर्सनल सेलेक्शन, पेपर बाक्स हाउस, महाकाली केव्स रोड, अंधेरी (ईस्ट), मुम्बई-400093

यह अधिसूचना दिनांक 1-4-98 से 31-3-2001 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है, के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र को विभाग को प्रस्तुत करना है। उस आवेदन पत्र की छः प्रतियां अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[सं 1946/एफ. सं. म. नि./आ. क. (छूट)/एम-138/35(1)(iii)/90-91]

पी. सी. बिश्वास, संयुक्त निदेशक, आयकर (छूट)

Calcutta, the 7th June, 1999

INCOME-TAX

S.O. 2697.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (iii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities ;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Institute of Banking Personnel Selection,
Paper Box House, Mahakali Caves Road,
Andheri (East),
Mumbai-400 093.

This Notification is effective for the period from 1-4-98 to 31-3-2001.

Notes :

1. Condition (i) above will not apply to organisations categorised as associations.
2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income Tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1946/F. No. DG/IT(E)/M-138/35(1)(iii)/90-91]

P. C. BISWAS, Jt. Director of Income Tax (Exemptions)

कलकत्ता, 17 जून, 1999

आयकर

का.आ. 2698.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (i) के खंड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया गया है:—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा,
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, प्रौद्योगिक भवन, न्यू महरोली रोड, नई दिल्ली-110016 को भेजेगा, और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान, विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

टाटा मेमोरियल सेंटर, डा. अर्नेस्ट बॉजप्प रोड, परेल, मुम्बई-400012।

यह अधिसूचना दिनांक 1-4-98 से 31-3-2000 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (i) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सूझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार

में संगत पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की विभाग, को प्रस्तुत करना है। उस आवेदन पत्र की छः प्रतियां अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या 1947/एफ. सं. म. नि./आ. क. (छूट)/एम-36/35(1)(ii)/90-91]

पी. सी. बिश्वास, संयुक्त निदेशक, आयकर (छूट)

Calcutta, the 17th June, 1999

INCOME-TAX

S.O. 2698.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions) (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Tata Memorial Centre
Dr. Ernest Borges Road,
Parel,
Mumbai-400 012.

This Notification is effective for the period from 1-4-98 to 31-3-2000.

Notes :

1. Condition (i) above will not apply to organisations categorised as associations.
2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income Tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1947/F. No. DG/IT(E)/M-36/35(1)(ii)/90-91]

P. C. BISWAS, Jt. Director of Income Tax (Exemptions)

कलकत्ता, 17 जून, 1999

आयकर

का.आ. 2699.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संघ" के संवर्ग के अधीन अनुमोदित किया गया है :—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिक भवन" न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिस्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

मराठे, रिस्च फाउण्डेशन, नंदन एनक्लेव,
श्री गोविन्दराजी मराठे रोड, डिस्ट.-संगली (एम. एस.)
मिराज—416410.

यह अधिसूचना दिनांक 1-4-98 से 31-3-2001 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (i) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को मुद्दाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की विभाग को प्रस्तुत करना है। उस आवेदन पत्र की छः प्रतियां अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव, वैज्ञानिक

एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या : 1948/एफ. सं. म. नि./आ. क. (छूट) /
एम-81/35(1) (ii)/90-91]

पी. सी. विश्वास, संयुक्त निदेशक, आयकर (छूट)

Calcutta, the 17th June, 1999

INCOME TAX

S.O. 2699.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of Sub-section (1) of section 35 of the Income Tax Act, 1961 under the category "Association" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-Tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-Tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income-Tax Act, 1961.

NAME OF THE ORGANISATION

Marathe Research Foundation,
Nandan Enclave, Shri Govindraoji Marathe Road,
Dist : Sangali (M.S.).
Miraj-416 410.

This Notification is effective for the period from 1-4-98 to 31-3-2001.

Notes :

- (1) Condition (i) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicates and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income Tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1948/F. No. DG/IT(E)/M-81/35(1)(ii)/90-91]

P. C. BISWAS, Jt. Director of Income Tax (Exemptions)

कलकत्ता, 18 जून, 1999

आयकर

का. आ. 2700.—सर्वसाधारण को एतद्द्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर “संघ” के संवर्ग के अधीन अनुमोदित किया गया है:—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, “प्रौद्योगिक भवन”, न्यू मेहरीली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35 (1) में दी गई

रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

पुणा मेडिकल रिसर्च फाउण्डेशन, 40, ससुन रोड, पुणे-411001

यह अधिसूचना दिनांक 1-4-98 से 31-3-2001 तक की अवधि के लिए प्रभावी है।

टिप्पणी :—1. उपयुक्त शर्त (i) “संघ” जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की विभाग को प्रस्तुत करना है। उस आवेदन पत्र की छः प्रतियां अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या : 1949/एफ. सं. म. नि./प्रा. क. (छूट)/एन :—191/35(1)(ii)/90-91]

पी. सी. बिश्वास, संयुक्त निदेशक आयकर (छूट)

Calcutta, the 18th June, 1999

INCOME-TAX

S.O. 2700.—It is hereby notified for general Information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of Sub-section (1) of section 35 of the Income Tax Act, 1961 under the category “Association” subject to the following conditions :

(i) The organisation will maintain separate books of accounts for its research activities;

(ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and

(iii) It will submit to the (a) Director General of Income-Tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-Tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income Tax Act, 1961.

NAME OF THE ORGANISATION

Poona Medical Research Foundation
40, Sassoon Road,
Pune-411 001.

This Notification is effective for the period from 1-4-1998 to 31-3-2001.

Notes :

1. Condition (i) above will not apply to organisations categorised as associations.
2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

2704 GI/99—4

[No. 1949/F. No. DG/IT(E)/M-191/35(1)(ii)]
90-91]

P. C. BISWAS, Jt. Director of Income Tax
(Exemptions)

कलकत्ता, 18 जून, 1999

आयकर

का० आ० 2701.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संच" के संवर्ग के अधीन अनुमोदित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा;

(ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, 'प्रौद्योगिकी भवन', न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा; और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-पराक्षित वार्षिक लेखा को प्रति () आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया सम्बन्धित छूट के बारे में वेतान-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

बी. वाई. एन. नैयर चैरिटेबल हॉस्पिटल एण्ड टी. एन. मेडिकल कालेज रिसर्च सोसाइटी।

डा. ए. एन. नैयर रोड, बम्बई-400 008

यह अधिसूचना दिनांक 1-4-97 से 31-3-2000 तक की अवधि के लिए प्रभावी है।

टिप्पणी

1. उपर्युक्त शर्त (1) "संच" जैसा संवर्ग के लिए लागू नहीं होगा।
2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को

तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के सम्बन्ध में किए आवेदन-पत्र की विभाग को प्रस्तुत करना है। उस आवेदन-पत्र की छः प्रतियां अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या 1950/एफ. सं. म. नि./आ. क. (छूट)/एम.-133/
35(1)(ii)/90-91]
पी. सी. बिश्वास, संयुक्त निदेशक, आयकर (छूट)

Calcutta, the 18th June, 1999

INCOME TAX

S.O. 2701.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category "Association" subject to the following conditions:

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax Director of Income tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

B. Y. L. Nair Charitable Hospital & T. N. Medical College
Research Society,
Dr. A. L. Nair Road,
Bombay-400 008.

This Notification is effective for the period from 1-4-1997 to 31-3-2000.

Notes—(1) Condition (i) above will not apply to organisations categorised as associations.

- (2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 1950/F. No. DGT(E)/M-133/35(1)(ii)/90-91]

P. C. BISWAS, Jr. Director of Income Tax
(Exemptions)

कलकत्ता, 22 जून, 1999

आयकर

क्र.आ. 2702.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (iii) के लिए आयकर नियम के नियम 6 अधीन निहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया गया है :—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा,
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, 'प्रौद्योगिकी भवन' न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर, तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग, और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षा आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

श्री अरविन्द सोसाइटी, सोसाइटी हाउस,
पाण्डीचेरी- 605 001

यह अधिसूचना दिनांक 1-4-99 से 31-3-2002 तक की अवधि के लिए प्रभावी है।

टिप्पणी—1. उपयुक्त शर्त (i) "संच" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट) कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र को विभाग को प्रस्तुत करना है। उस आवेदन पत्र की छः प्रतियां अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या 1951/एफ. सं. म. नि./आ. क. (छूट) /पाण्ड.-1/
35(1)(iii)/90-91]

पी. सी. बिश्वास, संयुक्त निदेशक, आयकर (छूट)

Calcutta, the 22nd June, 1999

कलकत्ता, 24 जून, 1999

INCOME-TAX

आयकर

S.O. 2702.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (iii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan' New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax|Director of Income-tax (exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Sri Aurobindo Society
Society House,
Pondichery-605 001.

This Notification is effective for the period from 1-4-99 to 31-3-2002.

Note : 1. Condition (i) above will not apply to organisations categorised as associations.

2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax|Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1951|F. No. DG|IT(E)|Pond-1|35(1)(iii)|90-91]

P. C. BISWAS, Jt. Director of Income Tax
(Exemptions)

का. आ. 2703 .—सर्वसाधारण को एवद्वारा सूचित किया जाता है कि निर्म्मालिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निर्म्मालिखित शर्तों पर 'संस्थान' के संवर्ग के अधीन अनुमोदित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा ।

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, प्रोद्योगिक भवन, न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग, और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिस्कर्ष किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा ।

संगठन का नाम

दि तलवार रिस्कर्ष फाउण्डेशन,

ई-6, नेब बैल्ली, नेब सराय,

सैनिक फार्मस, नई दिल्ली-110 068

यह अधिसूचना दिनांक 29-3-96 से 31-3-98 तक की अवधि के लिए प्रभावी है ।

टिप्पणी : 1. उपर्युक्त शर्त (i) "संव" जैसा संवर्ग के लिए लागू नहीं होगा ।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन पत्र को विभाग को प्रस्तुत करना है । उस आवेदन पत्र को छः प्रतियां अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के नाम भेजा है ।

[संख्या : 1952/एफ. सं. म. नि. /आ. क. (छूट)/न. धी.-145/35(1)(ii)/97]

पी. सी. बिस्वास, संयुक्त निदेशक, आयकर (छूट)

Calcutta, the 24th June, 1999

कलकत्ता, 29 जून, 1999

INCOME-TAX

आयकर

S.O. 2703.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

The Talwar Research Foundation,
E-6, NEB Valley,
Neb Sarai,
Sainik Farms,
New Delhi-110 068.

This Notification is effective for the period from 29-3-96 to 31-3-98.

NOTE :

1. Condition (i) above will not apply to organisations categorised as associations.
2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research

[No. 1952/DG/ND-145/35(1)(ii)/97-IT(E)]

P. C. BISWAS, Jt. Director of Income Tax
(Exemptions)

का. आ. 2704.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम के नियम 6 के अधीन निर्हित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।

(ii) यह अपने वार्षिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिक भवन" न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक, (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

कैसर इंडस्ट्रीयूट (टैल्प्. आई.ए.) अदयार
चेन्नई-600020

यह अधिसूचना दिनांक 1-4-1999 से 31-3-2002 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (i) "संव" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए गए आवेदन-पत्र को विभाग को प्रस्तुत करना है। उस आवेदन पत्र की छः प्रतियां अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या : 1953/एफ. सं. म.नि./आ.क. (छूट)/टी.
एन. -20/35(1)(ii)/89]

पी. सी. बिश्वास, संयुक्त निदेशक आयकर (छूट)

Calcutta, the 29th June, 1999

कलकत्ता, 29 जून, 1999

INCOME-TAX

आयकर

S.O. 2704.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its research activities to the Secretary Department of Scientific & Industrial Research 'Technology Bhawan', New Mehrauli Road, New Delhi-110015 for every financial year by 31st May of each year, and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research and (c) Commissioner of Income-tax|Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Cancer Institute (W.I.A.)
Adyar,
Chennai-600 020.

This Notification is effective for the period from 1-4-99 to 31-3-2002.

NOTE :

1. Condition (i) above will not apply to organisations categorised as associations.
2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax|Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary Department of Scientific & Industrial Research.

[No. 1953/F. No. DG|TN-20|35(1)(ii)|89-IT(E)]
P. C. BISWAS, Jt. Director of Income Tax
(Exemptions)

का. आ. 2705.—सर्वसाधारण को सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संघ" के संघर्ष के अधीन अनुमोदित किया गया है:—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिक भवन", न्यू मेहरौली रोड, नई दिल्ली-110015 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव/वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

नेशनल इंस्टीट्यूट ऑफ माइनर्स हेल्थ,
श्री कृष्ण राजेन्द्र रोड, मरियुप्पम पोस्ट,
कोलाट गोल्ड फील्ड्स-563119, कर्नाटक स्टेट

यह अधिसूचना दिनांक 1-4-97 से 31-3-2000 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपयुक्त शर्त (1) "संघ" जैसा संघर्ष के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की विभाग को प्रस्तुत करना है। उस आवेदन पत्र की छः प्रति अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या : 1954/एफ. सं. ग. नि. /आ. क. (छूट)/के. टी. -
28/35(1)(ii)/90]

पी. सी. बिस्वास, संयुक्त निदेशक, आयकर (छूट)

Calcutta, the 29th June, 1999

कलकत्ता, 29 जून, 1999

INCOME-TAX

आयकर

S.O. 2705.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Association" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

National Institute of Miners' Health,
Shri Krishna Rajendra Road,
Marikuppam Post,
Kolar Gold Fields-563 119, Karnataka State,

This Notification is effective for the period from 1-4-97 to 31-3-2000.

NOTE :

1. Condition (i) above will not apply to organisations categorised as associations.
2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

No. 1954/F. No. DG/KT-28/35(1)(ii)/90-IT(E)
P. C. BISWAS, J. Director of Income Tax
(Exemption)

का. आ. 2706.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिक भवन", न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

इंडियन कैसर सोसाइटी, सोलापुर ब्रांच,
8389/2-बी, रेलवे लाइन्स,
सोलापुर-413 003

यह अधिसूचना दिनांक 1-4-99 से 31-3-2002 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (1) "संव" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन पत्र की विभाग को प्रस्तुत करना है। उस आवेदन पत्र की छः प्रति अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या : 1955/एफ. सं. म. नि./आ. क. (छूट)/एम.-9/
35(1)(ii)/89]

पी. सी. बिस्वास, संयुक्त निदेशक, आयकर (छूट)

Calcutta, the 29th June, 1999

कलकत्ता, 29 जून, 1999

INCOME-TAX

S.O. 2706.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan' New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961

NAME OF THE ORGANISATION

Indian Cancer Society,
Solapur Branch,
8389/2-B, Railway Line,
Solapur-413 003.

This Notification is effective for the following period from 1-4-98 to 31-3-2002.

NOTE :

1. Condition (i) above will not apply to organisations, categorised as association.
2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1955/F. No. DG/M-9/35(1)(ii)/89-IT(E)]
P. C. BISWAS, Jt. Director of Income Tax
(Exemptions)

का. आ. 2707.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संघ" के संवर्ग के अधीन अनुमोदित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बर्हियां रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिक भवन" न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

मद्रास डायबिटीज रिसर्च,
35, कोनरैन स्थिम रोड,
गोपालपुरम्,
चेन्नई-600 086।

यह अधिसूचना दिनांक 1-4-99 से 31-3-2002 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की विभाग को प्रस्तुत करना है। उस आवेदन पत्र छः प्रति अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या : 1956/एफ. सं. म. नि./आ. क. (छूट)/टी. एन. -
81/35(1)(ii)/97)]
पी. सी. बिश्वास, संयुक्त निदेशक, आयकर (छूट)

Calcutta, the 29th June, 1999

कलकत्ता, 29 जून, 1999

INCOME-TAX

आयकर

S.O. 2707.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Association" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan' New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Madras Diabetes Research Foundation,
35, Conran Smith Road,
Gopalapuram,
Chennai-600 086.

This Notification is effective for the following period from 1-4-99 to 31-3-2002.

NOTE :

1. Condition (i) above will not apply to organisations categorised as association.
2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1956/F. No. DG/TN-81/35(1)(ii)/97-IT(E)]

P. C. BISWAS, Jt. Director of Income Tax
(Exemptions)

का. आ. 2708.—वर्तमानाधारण को एतद्वारा सूचित किया जाता है कि निर्धारित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के वर्ग के अधीन अनुमोदित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिक भवन" न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

माडिया इन्स्टीट्यूट आफ हिमालयन ज्योलॉजी,
33, जनरल महादेव सिंह रोड,
देहरादून-248 001 (यू.पी.)।

यह अधिसूचना दिनांक 1-4-95 से 31-3-98 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (1) "संव" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की विभाग को प्रस्तुत करना है। उस आवेदन पत्र की छः प्रति अनुमोदन की अवधि बढ़ाने के लिए सीधे सचिव वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या : 1957/एफ. सं. म. नि./आ. क. (छूट)/यू.पी.-
23/35/(1)(ii)/90]
पी. सी. बिश्वास, संयुक्त निदेशक, आयकर (छूट)

Calcutta, the 29th June, 1999

कलकत्ता, 29 जून, 1999

प्राप्त

INCOME-TAX

S.O. 2708.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its Research Activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax|Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION :

Wadia Institute of Himalayan Geology,
33, General Mahadeo Singh Road,
Dehradun-248 001 (U.P.).

This Notification is effective for the following period from 1-4-95 to 31-3-98,

NOTE :

1. Condition (i) above will not apply to organisations categorised as Association.
2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax|Director of Income-tax (exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1957/E. No. DG(UP-23/35(1)(5))90-IT(E)]

P. C. BISWAS, Jt. Director of Income Tax
(Exemptions)

2704 GI/99-5

का.आ. 2709.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (iii) के लिये आयकर नियम के नियम 6 के अधीन वर्गीकृत प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया गया है:—

- (1) संगठन अनुसंधान कार्यों के लिये अलग लेखा बहीयां रखेगा,
- (2) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिये प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, 'प्रौद्योगिक भवन', न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा, और
- (3) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिस्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित अथ-यथ हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

दि केरल हिस्टरी एसोसियेशन, हास्पिटल रोड,
कोर्नल-682 011

यह अधिसूचना दिनांक 11-6-99 से 31-3-2001 तक की अवधि के लिये प्रभावी है।

टिप्पणी: 1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिये लागू नहीं होगा।

2. संगठन को सलाह दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिये आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है, के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किये आवेदन-पत्र की विभाग को प्रस्तुत करना है। उस आवेदन-पत्र की छः प्रति अनुमोदन की अवधि बढ़ाने के लिये सीधा सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या 1958/एफ. सं. म. नि./आ. क. (छट)/के.-17/

35(1)(iii) 98]

पी. सी. बिश्वास, संयुक्त निदेशक, आयकर (छट)

Calcutta, the 29th June, 1999

कलकत्ता, 29 जून, 1999

INCOME-TAX

आयकर

S.O. 2709.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (iii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate Books of Accounts for its research activities;
- (ii) It will furnish the Annual Return of its Research Activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax [Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION :

The Kerala History Association,
Hospital Road,
Cochin-682 011.

This Notification is effective for the following period from 11-6-99 to 31-3-2001.

NOTE :

1. Condition (i) above will not apply to organisations categorised as Association.
2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income tax [Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1958/F. No. DG/K-17/35(1)(iii)/98-IT(E)]

P. C. BISWAS, Jt. Director of Income Tax
(Exemptions)

का.आ. 2710.—गर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिये आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया गया है :—

- (1) संगठन अनुसंधान कार्यों के लिये अपना लेखा बहियां रखेगा,
- (2) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिये प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, 'प्रौद्योगिक भवन, न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और
- (3) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

लीलावती कीर्तिलाल मेहता मेडिकल ट्रस्ट,
ए-791, बांद्रा रियलमेगन, बांद्रा (वेस्ट),
मुम्बई-400 050

यह अधिसूचना दिनांक 6-5-98 से 31-3-2000 तक की शर्तों के लिये प्रभावी है।

टिप्पणी. 1. उपर्युक्त शर्त (1) "संव" जैसा संवर्ग के लिये लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की शर्तों बढ़ाने के लिये आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है, के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतिधों में आवेदन करें, अनुमोदन की शर्तों बढ़ाने के संबंध में किये आवेदन-पत्र को विभाग को प्रस्तुत करना है। उस आवेदन-पत्र को छः प्रतिधों अनुमोदन की शर्तों बढ़ाने के लिये सीधा सचिव वैज्ञानिक

एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[संख्या : 1959/एफ.सं.म.नि./आ.क. (छूट)/एम-205/35 (1)(ii)/97]

[No. 1959/F. No. DG/M-205/35(1)(ii)/97-IT(E)]

P. C. BJSWAS, Jt. Director of Income Tax (Exemptions)

पी. सी. बिश्वास, संयुक्त निदेशक, आयकर (छूट)

कलकत्ता, 30 जून, 1999

Calcutta, 29th June, 1999

आयकर

INCOME-TAX

S.O. 2710.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purpose of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

का.आ. 2711 — सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (iii) के लिये आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया गया है :—

(i) The organisation will maintain separate books of accounts for its research activities;

(i) संगठन अनुसंधान कार्यों के लिये अलग लेखा बहियां रखेगा।

(ii) It will furnish the Annual Return of its research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिये प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, प्रौद्योगिक भवन, "न्यू मेहरौली रोड, नई दिल्ली-110016" को भेजेगा, और

(iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

(iii) यह प्रत्येक वर्ष के 31 अक्तूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्व किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

NAME OF THE ORGANISATION

Lilavati Kirtilal Mehta Medical Trust,

संगठन का नाम

A-791, Bandra Reclamation, Bandra (West), Mumbai-400 050.

मद्रास स्कूल आफ इकोनॉमिक्स, गांधी संदापम रोड, चेन्नई-600025

This Notification is effective for the period from 6-5-98 to 31-3-2000.

यह अधिसूचना दिनांक 1-4-99 से 31-3-2002 तक की अवधि के लिये प्रभावी है।

Note : 1. Condition (i) above will not apply to organisations categorised as associations.

टिप्पणी : 1. उपर्युक्त शर्त (i) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिये आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट) कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में

किये गये आवेदन-पत्र की विभाग की प्रस्तुत करता है। उस आवेदन पत्र की छः प्रतियाँ अनुमोदन की अवधि बढ़ाने के लिये सीधे सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजनी हैं।

[सं. 1986/एफ. स. ग. नि./मा. क. (छूट)/डी. एन. 56/35(1)(iii)/93]

पी. सी. विश्वास, सयुक्त निदेशक आयकर (छूट)

Calcutta, the 30th June, 1999

INCOME-TAX

S.O. 2711.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (iii) or sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan' New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; &
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax, Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Madras School of Economics,
Gandhi Mandapam Road,
Chennai-600 025.

This Notification is effective for the period from 1-4-99 to 31-3-2002.

NOTE :

1. Condition (i) above will not apply to organisations categorised as associations.
2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions),

Calcutta through the Commissioner of Income tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1960/F. No. DG/TN-56/35(1)(iii)/93-IT(E)]
P. C. BISWAS, Jt. Director of Income Tax (Exemptions)

कलकत्ता, 30 जून, 1999

आयकर

का. आ. 2712.—सर्वसाधारण को एवम् द्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (iii) के लिए आयकर निवृत्त के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया गया है :—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियाँ रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, प्रायोगिक भवन, न्यू मेहरौली, रोड, नई दिल्ली—110016 को भेजेगा, और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिस्चर्व किया गया संबंधित छूट के बारे में लेखा परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

मिर्सा इन्स्टीट्यूट आफ डेवलपमेंट स्टडीज,
मेक्टर-0, अलीगंज हाउसिंग स्कीम,
लखनऊ—226024

यह अधिसूचना दिनांक 4-5-97 से 31-3-2000 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपयुक्त शर्त (i) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट) कलकत्ता को तीन प्रतियों में

आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन पत्र की विभाग को प्रस्तुत करना है। उस आवेदन पत्र की छः प्रति अनुमोदन की अवधि बढ़ाने के लिए सीमा सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या 1961/एफ. सं. म. नि./आ. क. (छूट)/यू. पी.-30/35(1) (iii)/97]

पी. सी. बिश्वास, संयुक्त निदेशक आयकर (छूट)

Calcutta, the 30th June, 1999

INCOME TAX

S.O. 2712.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purpose of clause (iii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate Books of Accounts for its research activities;
- (ii) It will furnish the Annual Return of its Research Activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan' New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax (Director of Income-tax (Exemptions)), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Giri Institute of Development Studies,
Sector-O, Aliganj Housing Scheme,
Lucknow-226 024.

This Notification is effective for the following period from 4-5-97 to 31-3-2000.

NOTES :

1. Condition (i) above will not apply to organisations categorised as Association.
2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of

Income tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1961/F. No. DG/UP-30/35(1)(iii)/97-T(E)]

P. C. BISWAS, Jr Director of Income Tax (Exemptions)

कलकत्ता, 30 जून, 1999

आयकर

का.आ. 2713.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संतर्ग के अधीन अनुमोदित किया गया है:—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग "प्रौद्योगिक भवन" न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर, तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महा-निदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग, और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

वैधा चन्द्र प्रकाश कैसर रिसर्च फाउन्डेशन,
56, दग्गियागंज, दिल्ली-110 002।

यह अधिसूचना दिनांक 29-3-96 से 31-3-98 तक की अवधि के लिए प्रभावी है।

टिप्पणी: 1. उपर्युक्त शर्त (i) "संव" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें। अनुमोदन की अवधि बढ़ाने के संबंध में किए

आवेदन-पत्र की विभाग को प्रस्तुत करना है।
उस आवेदन पत्र की छः प्रति अनुमोदन की अवधि बढ़ाने के लिए सीधा सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या 1962/एफ. स. म. नि./आ. क. (छूट)/एन. डी. -
151/35(1) (ii)/97]
पी. सी. विश्वास, संयुक्त निदेशक आयकर (छूट)

Calcutta, the 30th June, 1999

INCOME-TAX

S.O. 2713.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purpose of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate Books of Accounts for its research activities;
- (ii) It will furnish the Annual Return of its Research Activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan' New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year, and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Vaidya Chandra Prakash Cancer Research Foundation,
56, Darya Ganj,
Delhi-110 002.

This Notification is effective for the following period from 29-3-96 to 31-3-1998.

NOTES :

1. Condition (i) above will not apply to organisations categorised as Association.
2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application

for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1962]F. No. DG[ND-151/35(1)(ii)/97-IT(E)]
P. C. BISWAS, Jt. Director of Income Tax
(Exemptions)

कलकत्ता, 30 जून, 1999

आयकर

का आ 2714.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन प्रनुमोदित किया गया है :—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिक भवन" न्यू मेहरोली रोड, नई दिल्ली- 110016 को भेजेगा, और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग, और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च विधा गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

दि गुजरात रिसर्च एण्ड मेडिकल इंस्टीच्यूट,
कैम्प रोड, गाहीबाग,
अहमदाबाद-380 004.

यह अधिसूचना दिनांक 1-4-98 से 31-3-2000 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (i) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की

विभाग को प्रस्तुत करना है उस आवेदन पत्र की छः प्रतियाँ अनुमोदन की अवधि बढ़ाने के लिए पीछा सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग के पास भेजना है।

[संख्या : 1963/एफ. नं. म. वि./आ. क. (छूट)/जी-51/
35(1)(ii)/91]

पी. सी. बिष्वास, संयुक्त निदेशक, आयकर (छूट)

Calcutta, the 30th June, 1999

INCOME TAX

S.O. 2714.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purpose of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its Research Activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax|Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

The Gujarat Research & Medical Institute,
Camp Road, Shahibaug,
Ahmedabad-380 004.

This Notification is effective for the period from 1-4-98 to 31-3-2000.

NOTES

1. Condition (i) above will not apply to organisations categorised as associations.
2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income tax|Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1963|F. No. DG|G-51|35(1)(ii)|91-IT(E)]

P. C. BISWAS, Jr. Director of Income Tax
(Exemptions)

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 14 सितम्बर, 1999

का.प्रा. 2715.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रबल शक्तियों को प्रयोग करते हुये, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्द्वारा, घोषणा करती है कि उक्त अधिनियम की धारा 15(1) के उपबंध इस अधिसूचना की तारीख से पांच वर्ष की अवधि के लिये मिडीकेट बैंक पर लागू नहीं होंगे।

[फा.सं. 12/8/99-बी ओ ए]

बी. ए. नारायणन, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi the 14th September, 1999

S.O. 2715.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, (10 of 1949), the Central Government on the recommendation of Reserve Bank of India hereby declares that the provisions of Section 15(1) of the said Act shall not apply for a period of five years from the date of this notification to the Syndicate Bank.

[F. No. 12/8/99-BOA]

B. A. NARAYANAN, Under Secy.

कोयला संजालय

नई दिल्ली, 8 सितम्बर, 1999

का.आ. 2716.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उदाहरण अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किये जाने की संभावना है।

अतः, अथ, केन्द्रीय सरकार कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पर्वक्षण करने के अपने आणय की सूचना देती है।

इस अधिसूचना के अन्तर्गत आने वाले रेखांक सं. सी.आई. (ई) III/जी आर/648-0998 तारीख 23 सितम्बर, 1998 का निरीक्षण वेस्टन कोलफील्ड्स लिमिटेड, (राजस्व अनुभाग), कोल इस्टेट, सिविल लाइन्स, नागपुर-44001 (महाराष्ट्र) के कार्यालय में या कलक्टर छिदवाडा (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1 काउंसिल हाउस इट्री, कलकत्ता के कार्यालय में किया जा सकता है।

इन अधिसूचना के अन्तर्गत आने वाली भूमि में, हितवश सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नदियों, चाटों और अन्य दस्तावेजों को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नव्वे दिन के भीतर उस भार साधक अधिकारी/विभागाध्यक्ष (राजस्व), वेस्टर्न कोलफील्ड्स लि., कोल इस्टेट, सिविल लाइन्स, नागपुर-440001 (महाराष्ट्र) को भेजेंगे।

अनुसूची

रुद्रपुरी भूमिगत खान

पेंच क्षेत्र

जिला-छिदवाडा (मध्य प्रदेश)

(रेखांक सं. सी.आई. (ई) III/जी आर/648-0998 तारीख 23 सितम्बर, 1998)

क्रम सं.	गांव का नाम	वन का नाम	पटवारी सफिल सं.	बन्दोबस्त संख्या	कक्ष सं.	खंड सं.	तहसील	जिला	क्षेत्र, हैक्टेयर में	टिप्पणियाँ
1.	झुरी	—	67	214	—	—	परासिया	छिदवाडा	40.487	भाग
2.	उरधान	—	66	24	—	—	परासिया	छिदवाडा	79.540	भाग
3.	टुमरी	—	66	250	—	—	परासिया	छिदवाडा	335.880	भाग
4.	—	उरधान संरक्षित वन	—	—	734	63	परासिया	छिदवाडा	137.390	भाग
5.	—	थाओनरी संरक्षित वन	—	—	704	61	परासिया	छिदवाडा	10.870	भाग
कुल क्षेत्र 604.577 हैक्टेयर (लगभग)										या
1493.97 एकड़ (लगभग)										

सीमा वर्णन

क—ख—ग—घ—ङ

रेखा बिन्दु “क” से प्रारंभ होकर और थाओनरी संरक्षित वन से होते हुये और ग्राम उरधान से होते हुये और बिन्दु “ङ” पर मिलती है।

ङ—च

रेखा ग्राम उरधान और ग्राम टुमरी की सम्मिलित सीमा के साथ-साथ चलती है और बिन्दु “च” पर मिलती है।

च—छ—ज—झ

रेखा ग्राम उरधान से होते हुए और बिन्दु “झ” पर मिलती है।

अ-अ	रेखा ग्राम टुमरी और ग्राम उरधान की सम्मिलित सीमा रेखा के साथ-साथ चलती हुई और बिन्दु "अ" पर मिलती है।
अ-ट	रेखा ग्राम उरधान और उरधान संरक्षित वन की सम्मिलित रेखा के साथ-साथ चलती है और बिन्दु "ट" पर मिलती है।
ट-ठ	रेखा उरधान संरक्षित वन से होती हुई और बिन्दु "ठ" पर मिलती है।
ठ-ड	रेखा ग्राम नेहारिया और उरधान संरक्षित वन की सम्मिलित सीमा रेखा के साथ-साथ चलती है और बिन्दु "ड" पर मिलती है।
ड-ड	रेखा ग्राम चोखरी और ग्राम उरधान संरक्षित वन की सम्मिलित सीमा रेखा के साथ-साथ चलती है और बिन्दु "ड" पर मिलती है।
ड-ण	रेखा ग्राम चोखरी और ग्राम टुमरी की सम्मिलित सीमा रेखा के साथ-साथ चलती है और बिन्दु "ण" पर मिलती है।
ण-त	रेखा ग्राम टुमरी से होती हुई और बिन्दु "त" पर मिलती है।
त-क	रेखा ग्राम टुमरी से होती हुई जाती है और आरंभिक बिन्दु "क" पर मिलती है।

[सं. 43015/2/99-पी.आर.आई. डब्ल्यू]

के.एम. क्रोफा, निदेशक

MINISTRY OF COAL

New Delhi, the 8th September, 1999

S.O.2716.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Area (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal therein;

The plan bearing No. C-I(E)/III/GR/648-0998 dated the 23rd September, 1998, of the area covered by this notification can be inspected in the Office of the Western Coalfields Limited (Revenue Department), Coal Estate Civil Lines, Nagpur-440001 (Maharashtra) or in the Office of the Collector, Chhindwara (Madhya Pradesh) or in the office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Officer-in-Charge/Head of the Department (Revenue), Western Coalfields Limited, Coal Estate, Civil Lines, Nagpur-440001 (Maharashtra) within ninety day from the date of the publication of this notification.

SCHEDULE
RUDRAPURI UNDER GROUND MINE
PENCH AREA
DISTRICT CHHINDWARA (MADHYA PRADESH)

[Plan No. C-I(E) III/GR/648-0998 dated the 23rd September, 1998].

Serial number	Name of village	Name of Forest	Patwari Circle number	Settlement number	Compartment number
1.	Jhurro	—	67	214	—
2.	Urdhan	—	66	24	—
3.	Tumri	—	66	250	—
4.	—	Urdhan Reserve Forest	—	—	734
5.	—	Thaonri Reserve Forest	—	—	704

Block number	Tahsil	District	Area in hectares	Remarks
—	Parasia	Chhindwara	40.897	Part
—	Parasia	Chhindwara	70.540	Part
—	Parasia	Chhindwara	335.880	Part
63	Parasia	Chhindwara	137.390	Part
61	Parasia	Chhindwara	10.870	Part

Total area: 604.577 hectares
(approximately)
or
1493.97 acres
(approximately)

Boundary Description

A—B—C—D—E	Line starts from point "A" and passes through Thaonri Reserve Forest and passes through village Urdhan and meets at point 'E'.
E—F	Line passes along the common village boundary of villages Urdhan and Tumri and meets at point 'F'.
F—G—H—I	Line passes through village Urdhan and meets at point 'I'.
I—J	Line passes along the common village boundary of villages Tumri and Urdhan and meets at point 'J'.
J—K	Line passes along the common boundary of village Urdhan and Urdhan Reserve Forest and meets at point 'K'.
K—L	Line passes through Urdhan Reserve Forest and meets at point 'L'.
L—M	Line passes along the common boundary of village Neharia and Urdhan Reserve Forest and meets at point 'M'.
M—N	Line passes along the common boundary of village Bohkai and Urdhan Reserve Forest and meets at point 'N'.
N—O	Line passes along the common village boundary of villages Bohkai and Tumri and meets at point 'O'.
O—P	Line passes through village Tumri and meets at point 'P'.
P—A	Line passes through village Jhurre and meets at starting point 'A'.

[No. 43015/2/99-PRIW]

K.S. KROPFA, Director

स्वास्थ्य एवं परिवार कल्याण मंत्रालय
(भारतीय चिकित्सा पद्धति और होम्योपैथी विभाग)

नई दिल्ली, 4 सितम्बर, 1999

का.आ.2717.— केन्द्रीय सरकार, केन्द्रीय होम्यो-पैथी परिषद् अधिनियम, 1973 (1973 का 59) की धारा 13 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय होम्योपैथी परिषद् से परामर्श करने के पश्चात् उक्त अधिनियम की दूसरी अनुसूची में निम्नलिखित और संशोधन करती है, अर्थात्:—

उक्त अनुसूची में "महाराष्ट्र" शीर्ष के अंतर्गत डा. बाबासाहेब अंबेडकर मराठवाडा विश्वविद्यालय, औरंगाबाद, से संबंधित क्रम संख्या "11च" के सामने स्तंभ संख्याक-4 में प्रविष्टि "1995 से आगे" के स्थान पर "1991 से आगे" प्रविष्टि रखी जायेगी।

[सं.बी. 27021/8/91-होम्यो]

का.आ. 2503, दिनांक 21.08.1990

पाद टिप्पणी: मूल अधिसूचना भारत के राजपत्र में भाग II खंड 1 में का.आ.सं. 76, दिनांक 20 दिसम्बर, 1973 द्वारा प्रकाशित की गई और उसके बाद निम्नलिखित के द्वारा संशोधित की गई:

का.आ.	3496,	दिनांक	11.10.1977
का.आ.	325,	दिनांक	04.11.1978
का.आ.	1517,	दिनांक	26.02.1983
का.आ.	1481,	दिनांक	12.3.1983
का.आ.	3099,	दिनांक	21.6.1985
का.आ.	2048,	दिनांक	24.3.1986
का.आ.	2270,	दिनांक	24.5.1986
का.आ.	2501,	दिनांक	1.8.1990
का.आ.	2448,	दिनांक	4.8.1990
का.आ.	1182,	दिनांक	27.3.1991
का.आ.	1008,	दिनांक	8.3.1996
का.आ.	3124,	दिनांक	24.11.1996
का.आ.	2503,	दिनांक	21.08.1990

का.आ. 710, दिनांक 25.2.1992
 का.आ. 891, दिनांक 5.3.1992
 का.आ. 1210, दिनांक 23.4.1992
 का.आ. 2669, दिनांक 24.9.1993
 का.आ. 978, दिनांक 28.4.1992
 का.आ. 1325, दिनांक 13.5.1994
 का.आ. 2363, दिनांक 24.10.1994
 का.आ. 1859, दिनांक 17.8.1993
 का.आ. 1277, दिनांक 25.3.1996
 का.आ. 93, दिनांक 20.12.1995
 का.आ. 2805, दिनांक 13.9.1996
 का.आ. 2806, दिनांक 13.9.1996
 का.आ. 1277, दिनांक 25.3.1996
 का.आ. 699, दिनांक 7.2.1997
 का.आ. 2726, दिनांक 3.10.1997
 का.आ. 3126, दिनांक 3.12.1997
 का.आ. 62 और 63 दिनांक 21.12.1998
 का.आ. 204, दिनांक 5.1.1999
 का.आ. 2475, दिनांक 30.5.1996
 का.आ. 2804, दिनांक 20.9.1995
 का.आ. 2900, दिनांक 28.10.1997
 का.आ. 2727, दिनांक 3.10.1997
 का.आ. 1027, (ई) दिनांक 30.11.1998
 का.आ. 361, दिनांक 18.1.1999
 का.आ. 594, दिनांक 25.1.1999

S.O. 1517 dated 26-2-1983
 S.O. 1581 dated 12-3-1983
 S.O. 3099 dated 21-6-1985
 S.O. 2048 dated 24-3-1986
 S.O. 2270 dated 24-5-1986
 S.O. 2503 dated 21-8-1990
 S.O. 710 dated 25-2-1992
 S.O. 891 dated 5-3-1992
 S.O. 1210 dated 23-4-1992
 S.O. 2669 dated 24-9-1993
 S.O. 978 dated 28-4-1992
 S.O. 1325 dated 13-5-1994
 S.O. 2501 dated 1-8-1990
 S.O. 2448 dated 4-8-1990
 S.O. 1182 dated 27-3-1991
 S.O. 1008 dated 8-3-1996
 S.O. 3124 dated 24-11-1996
 S.O. 2806 dated 13-9-1996
 S.O. 1277 dated 25-3-1996
 S.O. 699 dated 7-2-1997
 S.O. 2726 dated 3-10-1997
 S.O. 3126 dated 3-12-1997
 S.O. 62 & 63 dated 21-12-1998
 S.O. 204 dated 5-1-1999
 S.O. 2363 dated 24-10-1994
 S.O. 1859 dated 17-8-1993
 S.O. 1277 dated 25-3-1996
 S.O. 93 dated 20-12-1995
 S.O. 2805 dated 13-9-1996
 S.O. 2475 dated 30-5-1996
 S.O. 2804 dated 20-9-1995
 S.O. 2900 dated 28-10-1997
 S.O. 2727 dated 3-10-1997
 S.O. 1027(E) dated 30-11-1998
 S.O. 361 dated 18-1-1999
 S.O. 594 dated 25-1-1999

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of ISM & Homoeopathy)

New Delhi, the 4th September, 1999

S.O. 2717.—In exercise of the powers conferred by sub-section (2) of section 13 of the Homoeopathy Central Council Act, 1973 (59 of 1973), the Central Government, after consulting the Central Council of Homoeopathy, hereby makes the following further amendment in the Second Schedule to the said Act, namely :—

In the said Schedule, under the heading “MAHA-RASHTRA” against serial number ‘11F’ relating to Dr. Babasaheb Ambedkar Marathwada University, Aurangabad, in column number 4, for the entry, “from 1995 onwards”, the entry “from 1991 onwards” shall be substituted.

[No. V-27021/8/91-Homoeo]
 KANWAL DASS, Under Secy.

Foot-note : The principal notification was published in the Gadgetter of India, Part 2, Section 1, S.O. No. 76 dated 20th December, 1973 and was subsequently amended vide :

S.O. 3496 dated 11-10-1977
 S.O. 325 dated 4-11-1978

(स्वास्थ्य विभाग)

नई दिल्ली, 9 सितम्बर, 1999

का.आ. 2718— केन्द्र सरकार भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (i) के खंड (ख) के अनुसरण में डा. केतन देसाई, प्रोफेसर, यूरोलॉजी, शी.जे. मेडिकल कालेज, अहमदाबाद को 29-3-99 को गुजरात विश्वविद्यालय की सभा द्वारा इस अधिसूचना के जारी होने की तारीख में भारतीय आयुर्विज्ञान परिषद् के एक सदस्य के रूप में चुना गया है।

अतः अब उक्त अधिनियम की धारा 3 की उपधारा (1) के अनुसरण में केन्द्र सरकार भारत सरकार के पूर्ववर्ती स्वास्थ्य मंत्रालय की अधिसूचना संख्या का.आ. 138 दिनांक 9 जनवरी, 1960 में निम्नलिखित और संशोधन करती है नामतः

उक्त अधिसूचना में "धारा 3 की उपधारा (1) के (ख) के अधीन निर्वाचित" शीर्षक के अन्तर्गत क्रम. क्रमांक 11 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्या और प्रविष्टियां रखी जाएगी नामतः

"11 डा.केतन देशाई, एम.एस., एम.सी.एच.
(यूरोलॉजी) गुजरात विश्वविद्यालय
ए/4, वशिष्ठ अपार्टमेंट,
पॉलीटेक्नीक, अम्बावाड़ी,
अहमदाबाद-380 015

[संख्या: बी.11013/22/99-एम.ई. (यू.जी.)]
एस.के. मिश्रा, डेस्क अधिकारी

(Department of Health)

New Delhi, the 9th September, 1999

S.O. 2718.—Whereas in pursuance of the provisions of clause (b) of sub-section (1) of Section 3 of the Indian Medical Council Act, 1956 (102 of 1956) Dr. Ketan Desai, Professor of Urology, B. J. Medical College, Ahmedabad has been elected by the Senate of Gujarat University on 29-3-99

to be a member of Medical Council of India from the date of issue of the notification;

Now, therefore, in pursuance of sub-section (1) of Section 3 of the said Act, the Central Government hereby makes the following further amendments in the notification of the Government of India in the then Ministry of Health, number 138, dated the 9th January, 1960, namely :—

In the said notification, under the heading, 'Elected under clause (b) of sub-section (1) of Section 3' for serial number 11 and the entries relating thereto, the following serial numbers and entries shall be substituted, namely :—

'11. Dr. Ketan Desai,
M.S.M. Ch. (Urology),
Gujarat University,
A/4, Vasishthe Apartment,
Polytechnic, Ambawadi,
Ahmedabad-380015.

[No. V-11013/22/99-ME(UG)]

S. K. MISHRA, Desk Officer

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 16 सितम्बर, 1999

का.आ. 2719.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि तमिलनाडु राज्य में भुवनागिरी (कूप) नं. 2 से निसर इंडिया लिमिटेड पाइप लाइन परियोजना से होकर पेट्रोलियम गैस के परिवहन के लिए गैस अथॉरिटी ऑफ इंडिया लिमिटेड द्वारा बिछाई जानी चाहिए।

और यह कि केन्द्रीय सरकार को प्रतीत होता है कि उक्त पाइपलाइन बिछाने के प्रयोजन के लिए उस भूमि में जिसमें उक्त पाइप लाइन बिछाए जाने का प्रस्ताव है, इस अधिसूचना से उपाध अनुसूची में वर्णित भूमि के उपयोग के अधिकार का अर्जन करना आवश्यक है,

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1961 का 50) की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है,

उक्त अनुसूची में वर्णित भूमि में हितवद्ध कोई व्यक्ति, राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध कराए जाने जाने की तारीख से इक्कीस दिनों के भीतर, उसमें उपयोग के अधिकार का अर्जन या भूमि में पाइपलाइन बिछाने के संबंध में आपेक्ष, लिखित रूप में सक्षम प्राधिकारी, गैस अथॉरिटी ऑफ इंडिया लिमिटेड, काबेरी, वेसीन, नागपट्टिनम (तमिलनाडु) को कर सकेगा।

अनुसूची

भुवनागिरी बेल नं. 2 से निसर इंडिया लिमिटेड

बडालूर गैस पाइपलाइन, परियोजना

जिला	तहसील	गांव	सर्वे नं.	उ.का.अ. के लिए अर्जित की जाने वाली भूमि हेक्टे. में
1	2	3	4	5
कुन्डालूर	कुन्डालूर	नं. 54 सेराकुप्पम	6.1	0.09.5
			6.2	0.01.0

1	2	3	4	5
कुम्डालोर	कुम्डालोर	नं. 54 मेराकुल्लम	5.5	0.01.5
		256		0.01.5 जी.पी.
		253.3		0.00.5 „
		234		0.05.5 „
		244.10		0.00.5 „
		223		0.01.0 „
		224		0.02.0 „
		198.1		0.00.5 „
		198.5		0.01.0 „
		197.1		0.00.5 „
		195.4		0.00.5 „
		194.8		0.00.5 „
		194.9		0.00.5 „
		192		0.03.0 „
		108		0.02.0 „
		102.13		0.06.0 „
		88.1		0.01.0 „
		85.6		0.00.5 „
		71		0.03.0 „
		36.7		0.00.5 „
		35		0.21.0 „
		13		0.02.5 „
		7		0.00.5 „
		5.1		0.19.0 „
		98.13		0.02.5
		88.8		0.10.0
		88.9		0.03.0
		85.2		0.02.5
		85.3		0.02.0
		85.7		0.03.0
		85.8		0.03.0
		85.10		0.03.0
		85.11		0.00.5
		85.12		0.02.0
		85.13		0.00.5
		69.10		0.06.0
		36.2		0.04.0
		36.5		0.00.5
		36.8		0.00.5
		36.9		0.05.0
		36.11		0.03.0
		36.12		0.02.0
		12.8		0.01.5
		11.1		0.00.5
		11.10		0.02.0
		11.11		0.02.0

1	2	3	4	5
कुन्डालोर	कुन्डालोर	नं. 54 सेराकुप्पम	11.15	0.01.5
			11.16	0.01.5
			11.17	0.06.0
			10.1	0.04.0
			10.2	0.01.5
			270.3	0.03.0
			270.4	0.02.0
			270.5	0.03.0
			270.6	0.01.5
			270.7	0.00.5
			270.8	0.00.5
			271.7	0.09.5
			271.8	0.01.5
			271.10	0.11.5
			257.5	0.03.0
			257.6	0.03.0
			257.7	0.01.5
			254.15	0.11.0
			254.16	0.00.5
			253.1	0.05.5
			253.2	0.02.0
			253.12	0.10.0
			253.13	0.05.0
			253.14	0.05.0
			251.11	0.05.0
			251.13	0.07.5
			277.2	0.01.0
			277.3	0.02.5
			277.4	0.03.0
			235.15	0.02.0
			236.4	0.12.5
			236.5	0.05.0
			236.6	0.00.5
			236.7	0.02.0
			236.8	0.03.0
			236.9	0.03.0
			244.5	0.01.5
			244.6	0.03.5
			244.7	0.02.0
			244.8	0.02.5
			244.9	0.08.0
			244.11	0.09.5
			244.16	0.03.5
			240.7	0.06.0
			240.11	0.05.5
			240.13	0.10.0

1	2	3	4	5
कुन्डालोर	कुन्डालोर	नं. 54 मेगाकुपम	241.8	0.09.0
			241.9	0.07.0
			241.10	0.00.5
			221.1	0.01.0
			198.2	0.01.5
			198.3	0.05.5
			198.4	0.00.5
			198.6	0.00.5
			198.7	0.03.0
			198.8	0.00.5
			198.9	0.04.5
			198.10	0.02.0
			198.16	0.07.0
			197.2	0.05.0
			196.2	0.00.5
			196.6	0.02.5
			196.7	0.00.5
			196.8	0.01.0
			196.9	0.02.0
			196.10	0.01.0
			196.11	0.00.5
			196.12	0.06.0
			195.14	0.03.0
			195.15	0.05.0
			189.1	0.05.0
			189.2	0.02.0
			194.14	0.05.0
			195.15	0.02.0
			194.16	0.05.0
			194.17	0.05.5
			194.20	0.00.5
			194.21	0.01.0
			190.1	0.05.0
			190.2	0.03.0
			107.4	0.07.0
			107.5	0.04.0
			107.6	0.00.5
			107.7	0.10.0
			107.25	0.04.0
			107.26	0.03.0
			102.10	0.01.5
			97.1	0.05.0
			97.2	0.00.5
			98.8	0.01.0
			98.9	0.02.5
			98.10	0.03.5
			98.11	0.03.5
			98.12	0.01.0

1	2	3	4	5
कुन्डलीर	कुन्डलीर	नं. 59 मध्ये		
			23.9	0.05.5
			23.10	0.00.5
			23.11	0.05.0
			22.2	0.03.0
			22.3	0.02.0
			22.4	0.03.0
			22.6	0.02.5
			22.11	0.02.0
			22.12	0.03.0
			9.5	0.00.5
			10.7	0.02.0
			10.9	0.00.5
			20.18	0.00.5
			11.8	0.03.0
			11.9	0.04.0
			11.10	0.03.0
			12.1	0.13.0
			12.3	0.04.5
			3.6	0.04.5
			3.7	0.03.0
			3.8	0.05.5
			148.1	0.03.5 जी.पी.
			149	0.11.5 "
			158	0.07.0 "
			163.19	0.00.5 "
			165	0.03.0 "
			162.9	0.01.0 "
			167	0.01.0 "
			63	0.02.5 "
			64.2	0.00.5 "
			52.7	0.00.5 "
			26	0.03.0 "
			23.12	0.00.5 "
			22.7	0.00.5 "
			10.2	0.01.0 "
			11.2	0.00.5 "
			3.5	0.00.5 "
			62.3	0.02.5
			62.4	0.03.0
			64.12	0.05.5
			64.13	0.04.0
			64.14	0.05.0
			53.5	0.00.5
			53.10	0.04.5
			53.11	0.02.0
			53.12	0.03.0

1	2	3	4	5
कुड्डालोर	कुड्डालोर	नं. 59 मरुबे	52.1	0.07.5
			52.9	0.04.0
			52.10	0.01.5
			52.11 ए	0.03.5
			65.1 बी	0.00.5
			65.1 सी	0.08.5
			65.2	0.02.0
			65.3	0.01.0
			65.13	0.02.0
			65.18	0.08.5
			25.4	0.00.5
			25.4 ए2	0.09.0
			24.3	0.00.5
			24.4	0.07.0
			24.5	0.02.0
			23.1	0.02.0
			23.8	0.01.5
			148.2	0.24.0
			151.1	0.02.5
			151.2	0.01.0
			151.5	0.08.0
			152	0.17.5
			156.2 ए	0.34.5
			156.2 सी	0.13.5
			159.7	0.00.5
			159.11	0.01.0
			159.12	0.03.0
			163.1	0.03.0
			163.3	0.03.0
			163.4	0.03.0
			163.7	0.01.5
			163.8	0.04.0
			163.10	0.03.0
			163.11	0.03.0
			163.12	0.01.0
			163.18	0.06.0
			163.21 बी	0.02.0
			162.7	0.06.0
			166.3	0.02.0
			166.4ए	0.02.5
			166.5	0.04.5
			166.6	0.04.5
			166.19	0.00.0
			168.3	0.06.5

1	2	3	4	5
कुड्डालोर	कुड्डालोर	नं. 59 मरुवे	168.4	0.02.0
			168.6	0.10.0
			84.1	0.03.0
			84.2	0.14.0
			84.7	0.05.0
			84.8	0.06.0

[सं. एल-14014/10/99-जी.पी.]

सुनील कुमार सिंह, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 16th September, 1999

S.O. 2719.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum Gas through Bhuvanagiri Well no. 2 to M/s Neycor India Limited Pipeline Project in Tamilnadu State, a pipeline should be laid by the Gas Authority of India Ltd;

And whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of this notification, as published in the Gazette of India are made available to the general public object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to the Competent Authority, Gas Authority of India Limited, Caverry Basin, Nagapattinam, Tamilnadu.

SCHEDULE

TAMIL NADU STATE

Distt.	Tehsil	Village	Survey No.	Area to be Acquired for ROU in Hect.
1	2	3	4	5
Guddalore	Cuddalore	No. 54 Serakuppam	6.1	0.09.5
			6.2	0.01.0
			5.5	0.01.5
			256	0.01.5 GP
			253.3	0.00.5 „
			234	0.05.5 „
			244.10	0.00.5 „
			223	0.01.0 „
			224	0.02.0 „
			198.1	0.00.5 „
			198.5	0.01.0 „
			197.1	0.00.5 „
			195.4	0.00.5 „
			194.8	0.00.5 „
			194.9	0.00.5 „
			192	0.03.0 „

1	2	3	4	5
Cuddalore	Cuddalore	No. 54 Serakuppam	108	0.02.0 G.P
			102.13	0.06.0 „
			88.1	0.01.0 „
			85.6	0.00.5 „
			71	0.03.0 „
			36.7	0.00.5 „
			35	0.21.0 „
			13	0.02.5 „
			7	0.00.5 „
			5.1	0.19.0 „
			98.13	0.02.5 „
			88.8	0.10.0 „
			88.9	0.03.0 „
			85.2	0.02.5 „
			85.3	0.02.0 „
			85.7	0.03.0 „
			85.8	0.03.0 „
			85.10	0.03.0 „
			85.11	0.00.5 „
			85.12	0.02.0 „
			85.13	0.00.5 „
			69.10	0.06.0 „
			96.2	0.04.0 „
			36.5	0.00.5 „
			36.8	0.00.5 „
			36.9	0.05.0 „
			36.11	0.03.0 „
			36.12	0.02.0 „
			12.8	0.01.5 „
			11.1	0.00.5 „
			11.10	0.02.0 „
			11.11	0.02.0 „
			11.15	0.01.5 „
			11.16	0.01.5 „
			11.17	0.06.0 „
			10.1	0.04.0 „
			10.2	0.01.5 „
			270.3	0.03.0 „
			270.4	0.02.0 „
			270.5	0.03.0 „
			270.6	0.01.5 „
			270.7	0.00.5 „
			270.8	0.00.5 „
			271.7	0.09.5 „
			271.8	0.01.5 „
			271.10	0.11.5 „
			257.5	0.03.0 „
			257.6	0.03.0 „
			257.7	0.01.5 „
			254.15	0.11.0 „
			254.16	0.00.5 „
			253.1	0.05.5 „
			253.2	0.02.0 „
			253.12	0.10.0 „
			253.13	0.05.0 „

1	2	3	4	5
Cuddalore	Cuddalore	No. 54 Serakuppam	253.14	0.05.0
			251.11	0.05.0
			251.13	0.07.5
			277.2	0.01.0
			277.3	0.02.5
			277.4	0.03.0
			235.15	0.02.0
			236.4	0.12.5
			236.5	0.05.0
			236.6	0.00.5
			236.7	0.02.0
			236.8	0.03.0
			236.9	0.03.0
			244.5	0.01.5
			244.6	0.03.5
			244.7	0.02.0
			244.8	0.02.5
			244.9	0.08.0
			244.11	0.09.5
			244.16	0.03.5
			240.7	0.06.0
			240.11	0.05.5
			240.13	0.10.0
			241.8	0.09.0
			241.9	0.07.0
			241.10	0.00.5
			221.1	0.01.0
			198.2	0.01.5
			198.3	0.05.5
			198.4	0.00.5
			198.6	0.00.5
			198.7	0.03.0
			198.8	0.00.5
			198.9	0.04.5
			198.10	0.02.0
			198.16	0.07.0
			197.2	0.05.0
			196.2	0.00.5
			196.6	0.02.5
			196.7	0.00.5
			196.8	0.01.0
			196.9	0.02.0
			196.10	0.01.0
			196.11	0.00.5
			196.12	0.06.0
			195.14	0.03.0
			195.15	0.05.0
			189.1	0.05.0
			189.2	0.02.0
			194.14	0.05.0
			194.15	0.02.0
			194.16	0.05.0
			194.17	0.05.5
			194.20	0.00.5
			194.21	0.01.0
			190.1	0.05.0

1	2	3	4	5
Cuddalore	Cuddalore	No. 54 Serakuppam	190.2	0.03.0
			107.4	0.07.0
			107.5	0.04.0
			107.6	0.00.5
			107.7	0.10.0
			107.25	0.04.0
			107.26	0.03.0
			102.10	0.01.5
			97.1	0.05.0
			97.2	0.00.5
			98.8	0.01.0
			98.9	0.02.5
			98.10	0.03.5
			98.11	0.03.5
			98.12	0.01.0
Cuddalore	Cuddalore	No. 59 Maruvay	23.9	0.05.5
			23.10	0.00.5
			23.11	0.05.0
			22.2	0.03.0
			22.3	0.02.0
			22.4	0.03.0
			22.6	0.02.5
			22.11	0.02.0
			22.12	0.03.0
			9.5	0.00.5
			10.7	0.02.0
			10.9	0.00.5
			20.18	0.00.5
			11.8	0.03.0
			11.9	0.04.0
			11.10	0.03.0
			12.1	0.13.0
			12.3	0.04.5
			3.6	0.04.5
			3.7	0.03.0
			3.8	0.05.5
			148.1	0.03.5 G.P.
			149	0.11.5
			158	0.07.0
			163.19	0.00.5
			165	0.03.0
			162.9	0.01.0
			167	0.01.0
			63	0.02.5
			64.2	0.00.5
			52.7	0.00.5
			26	0.03.0
			23.12	0.00.5
			22.7	0.00.5
			10.2	0.01.0
			11.2	0.00.5
			3.5	0.00.5
			62.3	0.02.5
			62.4	0.03.0
			64.12	0.05.5
			64.13	0.04.0

1	2	3	4	5
Cuddalore	Cuddalore	No. 59 Maruvay	64.14	0.05.0
			53.5	0.00.5
			53.10	0.04.5
			53.11	0.02.6
			53.12	0.03.0
			52.1	0.07.5
			52.9	0.04.0
			52.10	0.01.5
			52.11A	0.03.5
			65-1B	0.00.5
			65.1C	0.08.5
			65.2	0.02.0
			65.3	0.01.0
			65.13	0.02.0
			65.18	0.08.5
			25.4A1	0.00.5
			25.4A2	0.09.0
			24.3	0.00.5
			24.4	0.07.0
			24.5	0.02.0
			23.1	0.02.0
			23.6	0.01.5
			148.2	0.24.0
			151.1	0.02.5
			151.2	0.01.0
			151.5	0.08.0
			152	0.17.5
			156.2A	0.34.5
			156.2C	0.13.5
			159.7	0.00.5
			159.11	0.01.0
			159.12	0.03.0
			163.1	0.03.0
			163.3	0.03.0
			163.4	0.03.0
			163.7	0.01.5
			163.8	0.04.0
			163.10	0.03.0
			163.11	0.03.0
			163.12	0.01.0
			163.18	0.06.0
			163.21B	0.02.0
			162.7	0.06.0
			166.3	0.02.0
			166.4A	0.02.5
			166.5	0.04.0
			166.6	0.04.5
			166.19	0.00.5
			168.3	0.06.5
			168.4	0.02.0
			168.6	0.10.0
			84.1	0.03.0
			84.2	0.14.0
			84.7	0.05.0
			84.8	0.06.0

नई दिल्ली, 16 सितम्बर, 1999

का.आ. 2720 —केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि तमिलनाडु राज्य में भुवानागिरी(कूप) नं.-2 से मिसर इंडिया लिमिटेड पाइपलाइन परियोजना से होकर पेट्रोलियम गैस के परिवहन के लिये गैस अथॉरिटी ऑफ इंडिया लिमिटेड द्वारा बिछाई जानी चाहिये।

और यह कि केन्द्रीय सरकार को प्रतीत होता है कि उक्त पाइपलाइन बिछाने के प्रयोजन के लिये उस भूमि में जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि के उपयोग के अधिकार का अर्जन करना आवश्यक है।

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1961 का 50) की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है।

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध कराए जाने की तारीख से इक्कीस दिवस के भीतर उसमें उपयोग के अधिकार का अर्जन या भूमि में पाइपलाइन बिछाने के संबंध में आपेक्ष, लिखित रूप में सक्षम प्राधिकारी, गैस अथॉरिटी ऑफ इंडिया लिमिटेड, कावेरी बेसीन, नागपट्टिनम (तमिलनाडु) को कर सकेगा।

अनुसूची

भुवानागिरी बैस नं. 2 से मिसर इंडिया लिमिटेड बडालूर गैस पाइपलाइन परियोजना

जिला	तहसील	गांव	सर्वे नं.	उ० का.आ. के लिये अर्जित की जाने वाली भूमि हेक्टे. में
1	2	3	4	5
कुल्बालोर	चिदाम्बरम	नं. 37	62.2 सी	0.00.5
		आईवारागानाथम	62.4 ए	0.02.5
			88.1 ए	0.07.0
			88.1 बी	0.02.0
			88.2	0.05.5
			88.5	0.06.0
			80.1	0.01.5
			80.4	0.07.5
			81.4 ए	0.04.0
			81.4 बी	0.05.0
			81.4 सी	0.04.5
			81.4 डी	0.02.0
			81.5	0.05.0
			78.1	0.04.0
			78.6	0.02.0
			78.7	0.07.0
			78.8	0.03.5
			78.9	0.01.0
			74	0.18.5
			71.2	0.00.5
			73.1 बी	0.01.0
			73.3 ए	0.05.0
			73.3 बी	0.05.5
			4.1	0.00.5
			4.2	0.04.5
			4.4	0.01.0

1	2	3	4	5
कुल्डालीर	बिदाम्बरम	नं० 37 आइवारागामम	3.1	0.05.5
			3.2	0.01.5
			3.4	0.04.0
			3.5	0.03.0
			2.1 बी	0.01.0
			2.1 सी	0.05.0
			65	0.01.0 जी.पी.
			68	0.04.0 जी.पी.
			76	0.02.5 जी.पी.
कुल्डालीर	बिदाम्बरम	नं. 19 बम्बेरावनपट्टु	5.1	0.00.5
			5.2	0.05.0
			4.2	0.07.5
			4.3 ए	0.03.0
			4.3 बी	0.02.0
			4.3 सी	0.03.0
कुल्डालीर	बिदाम्बरम	नं. 36 ग्रामचवारी (कस्बा)	200.1	0.00.5
			196.1	0.18.0
			196.4	0.03.5
			194.1 ए	0.10.0
			194.1 डी	0.03.5
			194.2 ए 2	0.07.0
			193.1 ए	0.08.0
			193.1 बी	0.02.0
			175.1	0.00.5
			191	0.01.5 जी.पी.
			190	0.01.0
कुल्डालीर	बिदाम्बरम	नं. 26 बलीई कुंम (दस)	146.2 ए	0.17.5
			146.2 डी 2	0.00.5
			146.2 डी 3	0.05.0
			143.1	0.14.0
			142.1	0.02.5
			142.2	0.02.5
			142.3	0.02.0
			137.2	0.08.0
			139.4	0.00.5
			138.2	0.06.0
			131.1	0.02.5
			131.7	0.03.0
			131.3 ए	0.08.0
			131.4 बी.1	0.05.0
			131.4 बी 2	0.02.0
			131.4 ए	0.01.5
			131.5	0.00.5
			132.1 बी	0.00.5

1	2	3	4	5
कुडालोर	शिवाम्बरम्	नं. 26 अलार्डकुलम (दस)	127.5	0.00.5
			127.6	0.02.5
			125.5	0.08.0
			125.6 ए	0.03.0
			125.6 बी	0.01.0
			126.4	0.00.5
			126.5	0.06.5
			126.6	0.06.0
			126.8	0.00.5
			47.2 बी	0.01.0
			47.3	0.06.0
			47.5	0.09.0
			35.5	0.01.5
			35.6	0.06.0
			35.7	0.00.5
			37.2	0.07.0
			36	0.14.5
			13.3 ए	0.03.0
			15.4	0.07.0
			14.1	0.07.5
			14.4	0.04.0
			14.5	0.04.0
			14.10	0.04.5
			5.1	0.00.5
			5.4	0.05.0
			5.5	0.02.5
			5.7	0.01.0
			4.1	0.06.5
			4.2	0.03.0
			4.3	0.04.0
			3.2	0.02.5
			145	0.02.0 जी.पी.
			131.3 बी	0.00.5 „
			35.8	0.01.0 „
			28	0.01.5 „
			5.8	0.01.0 „
			6	0.00.5 „
कुडालोर	जिदाबम्बरम्	नं. 20 अलार्डकुलम (बी)	150.1	0.00.5
			150.2 ए	0.09.0
			150.2 बी	0.07.0
			147.1	0.06.0
			147.2	0.10.0
			145.1	0.03.5
			145.2 बी	0.08.5
			144	0.16.5
			137.1 ए	0.08.5

1	2	3	4	5
कुडासोर	चिदाम्बरम	नं. 20 अडाईयूर (बी)	137.1 बी	0.05.0
			137.2	0.03.0
			139.2 बी 1	0.07.5
			139.2 बी 2	0.07.5
			12.2 बी	0.02.5
			12.2 डी	0.08.0
			13.1	0.04.5
			13.2 ए	0.05.0
			13.2 बी	0.04.5
			13.2 सी	0.04.5
			13.2 डी	0.00.5
			4.1	0.11.5
			2.1	0.05.0
			2.2	0.11.5
			21.3 बी	0.00.5
			1.1	0.01.0
			1.2	0.16.0
			9	0.03.0 जी.पी.
			82.7 सी	0.04.0
कुडासोर	चिदाम्बरम	नं. 28 कोलाकुड्डी (बी)	80.3 ए	0.02.5
			80.3 बी	0.05.0
			81.5 बी	0.08.5
			81.6	0.01.0
			71.2	0.06.5
			72.1	0.06.0
			72.2	0.00.5
			72.3	0.01.0
			72.4	0.05.0
			73.1	0.01.5
			73.2	0.03.0
			73.5	0.03.5
			73.13	0.01.5
			63.1 ए	0.07.0
			63.1 बी	0.00.5
			63.2 ए	0.05.5
			63.2 बी	0.02.0
			63.3	0.01.5
			63.5 ए	0.01.0
			63.6	0.04.0
			63.7 ए	0.04.0
			62.2 ए	0.04.5
			307.3 ए	0.01.5
			307.3 डी	0.02.0
			307.3 एफ	0.00.5
			252	0.03.5 जी.पी.
			257	0.03.0 "
			250	0.02.5 "
			61	0.04.0 "
			86	0.02.0 "
			312	0.03.5 "

1	2	3	4	5
कुडालोर	विदाम्बरम	नं. 28	214.1	0.08.0
		कोलाकुड्डी (बी)	214.2	0.07.0
			214.4	0.00.5
			214.5	0.05.0
			214.6	0.00.5
			214.12	0.00.5
			216.2	0.02.0
			253.2	0.04.0
			253.6	0.02.0
			253.7	0.05.5
			253.8 ए	0.01.0
			251.1	0.06.3
			251.3 ए	0.04.5
			258.2	0.00.5
			258.3	0.02.0
			258.9	0.05.5
			258.10 बी	0.00.5
			258.11	0.04.5
			258.15	0.01.0
			265.1	0.01.0
			265.2	0.15.0
			266.3 ए	0.04.0
			267.5	0.01.0
			267.8	0.08.5
			267.10	0.00.5
			267.11 ए	0.02.0
			267.11 बी	0.01.5
			267.12 बी	0.02.5
			82.1	0.00.5
			82.4	0.03.5
			82.5 ए	0.04.5
			82.5 बी	0.02.0
			82.7 ए	0.01.0
			82.7 बी	0.02.5
कुडालोर	विदाम्बरम	नं. 27	95.1	0.09.5
		थलाईकुलम (बडा)	98	5.04.5
			99	0.10.5
			85.2	0.01.0
			85.3	0.09.5
			85.4	0.02.5
			47.2	0.01.0
			47.3	0.09.0
			47.4	0.00.5
			47.5	0.12.0
			274.1	0.06.0
			273.1	0.06.0
			268.1 ए	0.08.0

1	2	3	4	5
कुशलोर	विदाम्बरम	नं. 27	268.2	0.03.0
		पलाइकुलम (बडा)	269.1	0.06.0
			264.2 सी	0.01.0
			264.2 डी	0.04.5
			264.2 इ	0.04.0
			264.3	0.01.0
			263.5	0.04.5
			264.7	0.00.5
			264.10	0.01.5
			263.8	0.02.0
			263.9	0.02.0
			263.12	0.03.5
			263.13	0.01.5
			263.1	0.01.0
			263./3 सी	0.04.0
			203.1	0.00.5 जी.पी.
			211.8	0.01.0 „
			118	0.02.0 „
			83	0.04.0 „
			266	0.02.0 „
			203.2	0.01.5
			203.3	0.01.5
			203.4	0.05.0
			203.5	0.04.0
			203.6	0.02.0
			203.7	0.05.0
			202	0.16.0
			201.1	0.03.5
			210.2	0.07.5
			210.4	0.04.5
			211.1	0.04.0
			211.3 ए	0.04.0
			211.3 बी	0.01.5
			211.4	0.01.5
			211.6	0.03.5
			211.7	0.00.5
			212.4	0.00.5
			166.1	0.04.0
			166.3	0.07.5
			160.2	0.04.5
			162.2 ए	0.00.5
			161.2	0.06.0
			161.3	0.04.5
			158.3 ए	0.07.5
			157.1	0.01.0
			157.2	0.07.0
			122.2 ए 2	0.04.0
			122.3	0.00.5
			122.2 बी 1	0.04.5

4	5
122.2 बी 2	0.00.5
89.2	0.03.5
89.3	0.04.5
91.1	0.06.0
91.2	0.02.0
91.3	0.04.5
92.2	0.03.5
92.3	0.09.0
93.1	0.05.0
93.2	0.08.0
94.1 ए	0.02.0

[सं. एल-14014/10/99-जी.पी.]

सुनील कुमार सिंह, अवर सचिव

New Delhi, the 16th September, 1999

S. O. 2720 .—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum Gas through Bhuvanagiri Well No. 2 to M/s Neycer India Limited Pipeline Project in Tamilnadu State, a pipeline should be laid by the Gas Authority of India Ltd.

And whereas, it appears to the Central Government that for the purpose of laying the said pipeline it is necessary to acquire the right of user in the land under which the said pipeline proposed to be laid, and which is described in the Schedule annexed to this notification ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962) , the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of this notification, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to the Competent Authority, Gas Authority of India Limited, Cavay Basin, Nagapattinam, Tamilnadu.

SCHEDULE

State ; Tamil Nadu

Distt.	Tehsil	Village	Survey No.	Area to be acquired for ROU in Hect.
1	2	3	4	5
Cuddalore	Chidambaram	No. 37 Adivaraganatham	62.2C	0.00.5
			62.4A	0.02.5
			88.1A	0.07.0
			88.1B	0.02.0
			88.2	0.05.5
			88.5	0.06.0
			80.1	0.01.5
			80.4	0.07.5
			81.4A	0.04.0
			81.4B	0.05.0
			81.4C	0.04.5
			81.4D	0.02.0
			81.5	0.05.0
			78.1	0.04.0
			78.6	0.02.0

1	2	3	4	5
Cuddalore	Chidambaram No. 37	Adivaragaratham (cont.)	78.7	0.07.0
			78.8	0.03.5
			78.9	0.01.0
			74	0.18.5
			71.2	0.00.5
			73.1B	0.01.0
			73.3A	0.05.0
			73.3B	0.05.5
			4.1	0.00.5
			4.2	0.04.5
			4.4	0.01.0
			3.1	0.05.5
			3.2	0.01.5
			3.4	0.04.0
			3.5	0.03.0
			2.1B	0.01.0
			2.1C	0.05.0
			65	0.01.0 G.P.
			68	0.04.0 G.P.
			76	0.02.5 G.P.
Cuddalore	Chidambaram No. 19	Vandarayanpattu	5.1	0.09.5
			5.2	0.05.0
			4.2	0.07.5
			4.3A	0.03.0
			4.3B	0.02.0
			4.3C	0.03.0
Cuddalore	Chidambaram No. 36	Alambadi (Kasba)	200.1	0.00.5
			196.1	0.18.0
			196.4	0.03.5
			194.1A	0.10.0
			194.1D	0.03.5
			194.2A2	0.07.0
			193.1A	0.08.0
			193.1B	0.02.0
			175.1	0.00.5
			191	0.01.5GP
			190	0.01.0
Cuddalore	Chidambaram No. 26	Thalaikulam (Ten)	146.2A	0.17.5
			146.2D2	0.00.5
			146.2D3	0.05.0
			143.1	0.14.0
			142.1	0.02.5
			142.2	0.02.5
			142.3	0.02.0
			137.2	0.08.0
			139.4	0.00.5
			138.2	0.06.0
			131.1	0.02.5
			131.7	0.03.0
			131.3A	0.08.0
			131.4B1	0.05.0
			131.4B2	0.02.0
			131.4A	0.01.5
			131.5	0.00.5
			132/1B	0.00.5
			127.5	0.00.5

(1)	(2)	(3)	(4)	(5)
Cuddalore	Chidambaram No. 26	Thalaikulam (Ten) (contd.)	127.6	0.02.5
			125.5	0.08.0
			125.6A	0.03.0
			125.6B	0.01.0
			126.4	0.00.5
			126.5	0.06.5
			126.6	0.06.0
			126.8	0.00.5
			47.28	0.01.0
			47.3	0.06.0
			47.5	0.09.0
			35.5	0.01.5
			35.6	0.06.0
			35.7	0.00.5
			37.2	0.07.0
			36	0.14.5
			15.3A	0.03.0
			15.4	0.07.0
			14.1	0.07.5
			14.4	0.04.0
			14.5	0.04.0
			14.10	0.04.5
			5.1	0.00.5
			5.4	0.05.0
			5.5	0.02.5
			5.7	0.01.0
			4.1	0.06.5
			4.2	0.03.0
			4.3	0.04.0
			3.2	0.02.5
			145	0.02.0 GP
			131.3B	0.00.5 GP
			35.8	0.01.0 GP
			28	0.01.5 GP
			5.8	0.01.0 GP
			6	0.00.5 GP
Cuddalore	Chidambaram No. 20	Odaiyur (B)	150.1	0.00.5
			150.2A	0.09.0
			150.2B	0.07.0
			147.1	0.06.0
			147.2	0.10.0
			145.1	0.08.5
			145.2B	0.08.5
			144	0.16.5
			137.1A	0.08.5
			137.1B	0.05.0
			137.2	0.03.0
			139.2B1	0.07.5
			139.2B2	0.07.5
			12.2B	0.02.5
			12.2D	0.08.0
			13.1	0.04.5
			13.2A	0.05.0
			13.2B	0.04.5
			13.2C	0.04.5

I	2	3	4	5
Cuddalore	Chidambaram No. 20	Odaiyur (B)	13.2D	0.00.5
			4.1	0.11.5
			2.1	0.05.0
			2.2	0.11.5
			213*B	0.00.5
			1.1	0.01.0
			1.2	0.16.0
			9	0.03.0 GP
Cuddalore	Chidambaram No. 28	Kolakkudy (B)	82.7C	0.04.0
			80.3A	0.02.5
			80.3B	0.05.0
			81.5B	0.08.5
			81.6	0.01.0
			71.2	0.06.5
			72.1	0.06.0
			72.2	0.00.5
			72.3	0.01.0
			72.4	0.05.0
			73.1	0.01.5
			73.2	0.03.0
			73.5	0.03.5
			73.13	0.01.5
			63.1A	0.07.0
			63.1B	0.00.5
			63.2A	0.05.5
			63.2B	0.02.0
			63.3	0.01.5
			63.5A	0.01.0
			63.6	0.04.0
			63.0A	0.04.0
			62.2A	0.04.5
			307.3A	0.01.5
			307.3D	0.02.0
			307.3F	0.00.5
			252	0.03.5 GP
			257	0.03.0 GP
			250	0.02.5 GP
			61	0.04.0 GP
			86	0.02.0 GP
			312	0.13.5 GP
			214.1	0.08.0
			214.2	0.07.0
			214.4	0.00.5
			214.5	0.05.0
			214.6	0.00.5
			214.12	0.00.5
			216.2	0.02.0
			253.2	0.04.0
			253.6	0.02.0
			253.7	0.05.5

1	2	3	4	5
Cuddalore	Chidambaram No. 26	Kolakkudy (B)	253.8A 251.1 251.3A 258.2 258.3 258.9 258.10B 258.11 258.15 265.1 265.2 266.3A 267.5 267.8 267.10 267.11A 267.11B 267.12B 82.1 82.4 82.5A 82.5B 82.7A 82.7B	0.01.0 0.06.5 0.04.5 0.00.5 0.02.0 0.05.5 0.00.5 0.04.5 0.01.0 0.01.0 0.15.0 0.04.0 0.01.0 0.08.5 0.00.5 0.02.0 0.01.5 0.02.5 0.00.5 0.03.5 0.04.5 0.02.0 0.01.0 0.02.5
Cuddalore	Chidambaram No. 27,	Thalaikulam (Vada)	95.1 98 99 85.2 85.3 85.4 47.2 47.3 47.4 47.5 274.1 273.1 268.1A 268.2 269.1 264.2C 264.2D 264.2E 264.3 263.5 264.7 264.10 263.8 263.9 263.12 263.13 263.1 263/3C 203.1 211.8	0.09.5 0.04.5 0.10.5 0.01.0 0.09.5 0.02.5 0.01.0 0.09.0 0.00.5 0.12.0 0.05.0 0.06.0 0.08.0 0.03.0 0.06.0 0.01.0 0.04.5 0.04.0 0.01.0 0.04.5 0.00.5 0.01.5 0.02.0 0.02.0 0.03.5 0.01.5 0.01.0 0.04.0 0.00.5 GP 0.01.0 GP

1	2	3	4	5
Cuddalore	Chidambaram No. 27	Thalaikulam (Vada)	118	0.02.0 GP
			83	0.04.0 GP
			266	0.02.0 GP
			203.2	0.01.5
			203.3	0.01.5
			203.4	0.05.0
			203.5	0.04.0
			203.6	0.02.0
			203.7	0.05.0
			202	0.16.0
			201.1	0.03.5
			210.2	0.07.5
			210.4	0.04.5
			211.1	0.04.0
			211.3A	0.04.0
			211.3B	0.01.5
			211.4	0.01.5
			211.6	0.03.5
			211.7	0.00.5
			212.4	0.00.5
			166.1	0.04.0
			166.3	0.07.5
			160.2	0.04.5
			162.2A	0.00.5
			161.2	0.06.0
			161.3	0.04.5
			158.3A	0.07.5
			157.1	0.01.0
			157.2	0.07.0
			122.2A2	0.04.0
			122.3	0.00.5
			122.2B1	0.04.5
			122.2B2	0.00.5
			89.2	0.03.5
			89.3	0.04.5
			91.1	0.06.0
			91.2	0.02.0
			91.3	0.04.5
			92.2	0.03.5
			92.3	0.09.0
			93.1	0.05.0
			93.2	0.08.0
			94.1A	0.02.0

नई दिल्ली, 17 सितम्बर 1999

का. आ. 2721.— केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि मोटर-स्ट्रीट, उच्चकोटि किरोसिन तेल और उच्चवेग डीजल के भारत पेट्रोलियम कारपोरेशन लिमिटेड इरमपानम् कोचीन, संस्थापन से तमिलनाडु राज्य में करूर तक परिवहन के लिए पेट्रोनेट सी.सी.के. लिमिटेड द्वारा पाइपलाइन बिछायी जानी चाहिए ।

और ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 की 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग का अधिकार अर्जित करने के अपने आशय की घोषणा करती है।

अतः उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां जनता को उपलब्ध करा दिए जाने की तारीख से इक्कीस दिन के भीतर इनमें उपयोग के अधिकार के अर्जन या सक्षम प्राधिकारी के अधीन भूमि में पाइपलाइन बिछाने के संबंध में आक्षेप, लिखित रूप में श्री ए. टी. जेम्स, सक्षम प्राधिकारी कोचीन, कोयम्बटूर, करूर पाइपलाइन परियोजना गोल्डन प्लाजा, एनेक्स, चित्तूर रोड़, कोचीन, 18, केरल राज्य, पिन-682 018 को कर सकेगा।

अनुसूची

राज्य - केरल

जिला - त्रिशूर

तालुका - मुकुन्दपुरम

गाँव	सर्वेक्षण संख्या	क्षेत्र (लगभग)		
		हेक्टेयर	आरे	वर्गमीटर
(1)	(2)	(3)	(4)	(5)
पटिज्जारे चालक्कुटी	1/1	0	01	20
	1/2	0	16	55
	28	0	19	20
	283/4	0	00	46
किषक्के चालक्कुटी	346	0	19	20
	338/3	0	12	80
	337/2	0	10	55
	337/3	0	03	95
	336/2	0	04	05
	335/1	0	28	89
	334	0	02	00
	317/1	0	14	20
	319/2	0	06	40
	320	0	09	20
	321	0	03	45
	313/1	0	04	60
	313/2	0	02	80
	313/3	0	08	20
	313/4	0	05	30
	313/5	0	02	00
	313/6	0	05	10
	312/1	0	12	80
	312/2	0	02	60
	310/2	0	09	30
	309/1	0	03	15
	309/2	0	09	35
	309/6	0	03	40
पेराम्बरा	248	0	16	26
	247	0	13	40

(1)	(2)	(3)	(4)	(5)
	246	0	17	00
	243	0	14	00
	244	0	09	00
	245	0	13	00
	229/1	0	14	20
	229/2	0	04	35
	228/3	0	02	05
	230	0	24	75
	231	0	13	60
	233	0	09	40
	234	0	11	90
	235/1	0	02	25
	235/2	0	01	20
	235/3	0	01	60
	235/4	0	04	05
	235/5	0	00	40
	236/2	0	04	15
	236/3	0	03	95
	236/4	0	01	00
	236/5	0	05	30
	237/1	0	10	00
	237/2	0	09	00
	213	0	01	20
	212/1	0	04	30
	212/2	0	01	80
	238	0	10	10
	207/1	0	09	20
	207/3	0	00	80
	239/1	0	01	00
	239/2	0	05	70
	239/4	0	01	30
	239/5	0	02	95
	206/2	0	01	80
	206/4	0	08	20
	285/2	0	03	35
	286/2	0	05	60
	288/2	0	13	80
	300	0	08	10
	289/2	0	02	40
	290/2	0	10	40
	290/5	0	04	70
	290/6	0	02	05

(1)	(2)	(3)	(4)	(5)
	291/1	0	06	20
	291/2	0	05	80
	292/1	0	09	40
	293/1	0	05	20
	294	0	08	95
	313/3	0	06	95
	314/1	0	18	30
	316/1	0	00	80
	316/2	0	02	05
	338	0	33	50
	339/1	0	31	80
	339/3	0	06	00
	340/1	0	11	60
	340/3	0	01	30
	340/4	0	01	00
	340/5	0	02	65
	341/1	0	05	60
	341/3	0	08	50
	341/4	0	11	20
	341/5	0	02	05
	343	0	07	25
	389/3	0	00	90
	389/4	0	02	80
	389/5	0	03	20
	390	0	17	90
	342	0	02	05
	385	0	09	40
	391/2	0	34	95
	395	0	01	30
	396	0	22	90
	397/1	0	01	40
	397/2	0	06	40
	397/3	0	01	60
	397/4	0	01	00
	398/1	0	20	45
	401/1	0	00	90
	401/2	0	01	80
	402/1	0	00	80
	402/2	0	02	00
	404/1	0	07	20
	404/3	0	04	00
	403/1	0	06	20
	432	0	03	75
	431	0	17	85
	436/2	0	02	15

(1)	(2)	(3)	(4)	(5)
	436/3	0	10	35
	436/5	0	04	40
	436/6	0	02	45
आलूर	171/3	0	11	10
	171/4	0	06	15
	170/2	0	00	95
	170/3	0	02	45
	170/4	0	00	45
	170/5	0	09	40
	169/3	0	03	65
	169/4	0	06	80
	169/5	0	02	05
	163/3	0	02	00
	164/1	0	05	35
	164/2	0	01	40
	165/2	0	02	65
	165/3	0	07	80
	165/4	0	02	45
	166/1	0	30	95
	166/3	0	08	10
	189/2	0	08	35
	188	0	29	70
	187	0	09	65
	200/1	0	14	35
	210/1	0	12	75
	210/4	0	08	70
	210/5	0	09	10
	211/2	0	04	05
	211/3	0	07	40
	212	0	10	65
	213	0	03	70
	214	0	05	20
	222	0	13	50
	223/1	0	03	10
	223/4	0	05	00
	223/5	0	04	40
	207/8	0	00	80
	207/9	0	01	70
	207/10	0	02	45
	227/2	0	04	05
	226/3	0	44	40
	276/1	0	01	30
	276/2	0	02	65
	276/3	0	00	90

(1)	(2)	(3)	(4)	(5)
	258/1	0	08	50
	258/4	0	37	55
	258/6	0	07	10
	258/7	0	05	85
	253/1	0	01	00
	252/1	0	00	90
	252/2	0	02	05
	249/2	0	06	05
	247/5	0	01	00
	247/6	0	10	30
	247/7	0	02	05
	247/8	0	17	30
	248/1	0	15	35
	245/1	0	02	05
	245/2	0	01	00
	245/3	0	02	40
	246/2	0	00	90
	710	0	21	85
	712/2	0	02	80
	714/2	0	36	80
कोटकरा	745/1	0	14	90
	742/1	0	27	90
	741	0	08	60
	740/1	0	14	10
	766/1	0	13	60
	766/2	0	07	85
	738	0	01	20
	737	0	10	20
	773/1	0	15	90
	773/2	0	13	80
	774	0	05	70
	775/1	0	08	20
	787/1	0	11	70
	785	0	23	50
	783	0	04	60
	784	0	02	40
	815	0	23	00
	814	0	05	20
	818	0	01	20
	819	0	08	80
	820	0	04	90
	830	0	42	50
	807/1	0	04	60

(1)	(2)	(3)	(4)	(5)
	806/1	0	04	20
	910	0	06	10
	909/2	0	24	20
	908/2	0	11	30
	906/2	0	05	90
	907	0	11	40
	905/2	0	01	90
	904/2	0	09	30
	903	0	06	45
	901/2	0	05	90
	900/2	0	04	90
	899/2	0	05	00
	895/2	0	02	35
	894/2	0	09	55
	893	0	03	05
	892/2	0	06	30
	892/3	0	05	90
	892/4	0	05	67
	892/5	0	01	80
	892/6	0	11	25
	892/7	0	02	15
	890/1	0	13	80
	919/4	0	11	80
	920/2	0	00	90
	923/2	0	18	40
	923/3	0	19	20
	924/1	0	03	00
	926/1	0	04	00
	927/1	0	17	50
	927/3	0	10	20
	927/5	0	32	90
	1278/3	0	17	80
	1277	0	21	80
	1275/1	0	13	40
	1275/3	0	03	60
	1273/1	0	02	20
	1273/2	0	09	60
	1271/1	0	01	80
	1272/1	0	13	40
	1272/2	0	09	80
	1269/1	0	07	20
	1269/2	0	01	20
	1269/3	0	07	70
	1269/4	0	00	80

(1)	(2)	(3)	(4)	(5)
	1269/5	0	02	50
	1269/6	0	03	10
	1269/7	0	05	90
	1268/1	0	03	40
	1268/3	0	09	40
	1268/5	0	08	20
	1268/6	0	07	40
	1268/7	0	06	80
	1447/1	0	05	20
	1447/2	0	03	60
	1449/2	0	32	40
	1266/1	0	06	50
	1451/2	0	04	40
	1450	0	27	20
	1455/1	0	10	10
	1455/2	0	04	60
	1454/3	0	10	10
	1454/4	0	07	30
	1457/2	0	08	60
	1466/1	0	08	30
	1466/2	0	02	20
	1466/3	0	11	20
	1465/1	0	09	70
	1465/2	0	14	00
	1472	0	44	00
	1471/3	0	10	50
	1474/1	0	01	90
	1474/2	0	34	60
	1274/2	0	20	85
नेल्लायी	476/1	0	12	30
	476/2	0	03	90
	477	0	01	00
	478	0	02	20
	479	0	00	81
	482/1	0	12	30
	482/2	0	06	80
	483	0	05	40
	484/1	0	14	20
	484/3	0	01	30
	485/1	0	02	60
	485/2	0	12	60
	485/3	0	06	80
	497	0	17	40

(1)	(2)	(3)	(4)	(5)
	496/2	0	09	90
	496/3	0	09	80
	496/4	0	02	65
	520/1	0	06	30
	520/2	0	03	75
	518	0	00	40
	519	0	14	80
	517/1	0	04	25
	575/1	0	45	70
	575/11	0	41	25
	577/2	0	00	80
	578/1	0	01	20
	578/2	0	00	40
	582	0	00	40
	593/1	0	51	70
	584/4	0	03	60
	653	0	06	40
	654	0	17	20
	655	0	05	40
	656	0	04	90
	657	0	14	60
	658/1	0	00	40
	658/2	0	11	80
	664/1	0	25	80
	664/2	0	23	60
	676/1	0	03	50
	676/3	0	07	10
	676/4	0	22	80
	675/1	0	13	40
	747	0	00	80
	758	0	23	10
	748	0	17	60
	746/1	0	00	80
	759/3	0	25	80
	785	0	70	80
	784	0	17	60
	783/1	0	21	80
	782	0	09	60
	781/1	0	22	60
	780	0	00	80
	385	0	12	70
	384/3	0	23	40
	383/3	0	15	70
	382	0	01	20

(1)	(2)	(3)	(4)	(5)
	381	0	12	10
	380	0	07	10
	379	0	00	80
	378	0	10	90
परम्पूक्करा	57/1	0	03	80
	58	0	07	40
	59/1	0	11	90
	59/2	0	00	30
	60/1	0	03	55
	66/1	0	10	70
	66/2	0	07	10
	67/1	0	00	14
	68/1	0	00	80
	69/1	0	01	81
	70/1	0	05	10
	88/1	0	14	20
	89/1	0	00	80
	89/2	0	15	40
	90/1	0	09	50
	92/1	0	01	30
	82/1	0	11	50
	82/2	0	13	60
	82/3	0	01	80
	80	0	03	40
	874/1	0	01	10
	874/4	0	05	10
	874/6	0	01	40
	875	0	11	90
	877/1	0	12	50
	877/2	0	02	40
	869/1	0	00	65
	869/2	0	06	60
	868/1	0	01	05
	868/2	0	08	10
	867	0	05	90
	839	0	09	90
	840/2	0	07	10
	840/5	0	07	30
	832/1	0	00	80
	832/2	0	00	20
	832/3	0	02	80
	844/2	0	14	20
	845/2	0	07	80

(1)	(2)	(3)	(4)	(5)
	846/1	0	05	40
	847	0	01	55
	849	0	06	50
	811/2	0	01	20
	848/1	0	06	35
	826/2	0	06	30
	825/1	0	04	10
	825/2	0	00	81
	812/1	0	00	81
	824	0	07	45
	823/3	0	04	25
	823/4	0	09	70
	813/1	0	03	50
	813/2	0	05	00
	814	0	07	60
	815	0	04	35
	816	0	10	10
	818	0	04	75
	793	0	44	50
	791	0	09	80
	792/1	0	02	70
	1059/1	0	01	20
	1061	0	02	90
	1014/2	0	04	10
	1014/3	0	04	30
	1011	0	06	05
	1060/1,2,4	0	20	70
	1013/1,2	0	27	90
	1066	0	01	80
	56/2	0	01	45
तोख	428/2	0	01	10
	384/3	0	02	40
	384/2	0	02	15
	385/2	0	05	15
	332	0	00	15
	320/1	0	01	43
	320/2	0	00	97
	320/3	0	01	48
	320/5	0	01	30

(1)	(2)	(3)	(4)	(5)
नैन्मनिक्करा	323	0	09	40
	324	0	17	80
	342/2	0	04	40
	328/2	0	08	80
	328/3	0	02	30
	330/2	0	07	00
	329	0	06	05
	327/1	0	00	60
	327/2	0	03	80
	331/1	0	12	60
	331/2	0	01	00
	332	0	31	20
	333	0	00	80
	178	0	16	80
	177	0	08	50
	171/1	0	02	40
	171/2	0	00	25
	175	0	07	30
	176	0	00	30
	174	0	01	80
	145	0	19	20
	173	0	05	20
	172	0	01	00
	143	0	04	30
	144	0	02	35
	142	0	06	00
	141	0	01	62
	140	0	14	95
	139/1	0	02	75
	138/2	0	00	20
	213/1	0	01	40
	213/2	0	04	86
	214/1	0	00	30
	214/2	0	04	00
	216	0	16	50
	50/1	0	23	40
	57	0	12	40
	55/4	0	15	20
	56/2	0	00	30
	59/1	0	29	50
	61	0	01	00
	16	0	24	90
	62	0	20	25
	63	0	13	40
	64	0	00	30

(1)	(2)	(3)	(4)	(5)
	67	0	01	20
	66/1	0	08	80
	66/2	0	00	60
	66/3	0	00	35
	65	0	03	70
	68	0	00	20
	946	0	00	18
	444/1	0	00	35
	443/3	0	04	20
त्रिक्कूर	397	0	17	00
	396/1	0	16	80
	402/1	0	26	40
	402/2	0	02	40
	399/1	0	01	00
	399/3	0	02	40
	385/1	0	18	55
	385/4	0	06	20
	385/5	0	06	80
	384/1	0	02	00
	384/2	0	00	81
	383	0	01	00
	362/3	0	05	80
	361/4	0	06	70
	363/4	0	14	00
	370/1	0	17	20
	370/2	0	02	60
	371	0	01	30
	368	0	01	20
	349	0	18	90
	350	0	12	10
	351/1	0	02	35
	351/2	0	02	90
	352	0	01	80
	331	0	14	20
	329/1	0	01	35
	329/2	0	00	30
	329/3	0	14	70
	329/4	0	14	00
	330	0	07	50

(1)	(2)	(3)	(4)	(5)
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तालुका - त्रिशूर

मरत्ताक्करा	987	0	04	00
	986	0	04	50
	984	0	02	00
	983	0	05	75
	982	0	05	60
	1151	0	02	02
	980	0	08	90
	974	0	20	00
	970	0	10	60
	972	0	03	80
	973	0	01	80
	969	0	26	20
	961	0	01	35
	965/1	0	00	80
	968	0	01	80
	967	0	14	80
	966	0	04	05
	901	0	10	20
	898	0	04	70
	902	0	04	20
	900	0	14	30
	904	0	18	50
	859/2	0	15	60
	858	0	01	40
	860/1	0	00	60
	860/3	0	01	00
	861	0	12	40
	862/1	0	09	60
	876/1	0	02	10
	876/2	0	08	30
	876/3	0	14	50
	874	0	08	20
	873	0	05	30
	872	0	05	40
	871	0	06	10
	741	0	41	40
	745	0	01	20
	746	0	05	80
	759	0	17	50
	747/1	0	02	00
	747/2	0	08	30
	747/4	0	06	90

(1)	(2)	(3)	(4)	(5)
	747/5	0	07	80
	748	0	14	40
	749	0	11	20
	750	0	03	60
	751	0	09	20
	259/1	0	06	00
	753/1	0	15	00
	753/2	0	01	00
	752	0	02	00
	776	0	06	80
	775	0	02	00
	258	0	13	00
	777	0	01	40
	778	0	01	20
	779	0	01	60
	228/3	0	02	00
	228/4	0	03	80
	228/5	0	08	50
	228/6	0	10	80
	226	0	22	50
	227/2	0	00	20
	791	0	01	80
	222	0	02	80
	221	0	11	20
	220/1	0	05	70
	220/2	0	10	80
	191	0	12	60
	212/1	0	02	90
	193	0	05	60
	197	0	08	00
	194	0	13	00
	195	0	03	60
	187	0	14	50
	196	0	00	80
	186	0	02	80
	199/1	0	12	80
	182	0	01	40
	181	0	07	40
	179/2	0	06	50
	178	0	08	30
	176	0	23	20
	177	0	01	30
	155	0	05	60
	175	0	18	30
	156/1	0	01	00

(1)	(2)	(3)	(4)	(5)
	156/2	0	07	20
	158	0	09	80
	157	0	00	60
	161/2	0	04	00
	161/4	0	01	00
	162/2	0	14	80
	162/3	0	01	00
	164	0	10	80
	163/2	0	00	90
	163/3	0	01	21
	163/4	0	03	00
	166/1	0	01	30
	168	0	04	00
	108/1	0	06	80
	108/2	0	03	20
	867	0	01	30
	868	0	01	60
	869	0	01	40
	870	0	01	00
नदत्तरा	500/1	0	13	30
	500/2	0	01	21
	499	0	01	00
कैनूर	114/1	0	17	20
	115/1	0	17	00
	115/2	0	01	60
	116	0	07	40
	118/4	0	00	90
	119/1	0	31	80
	119/3	0	07	15
	121	0	01	20
	120/3	0	02	43
	120/2	0	15	65
	120/4	0	15	20
	123	0	18	00
	124/2	0	00	20
	124/3	0	10	40
	131/1	0	01	45
	131/2	0	16	00
	131/4	0	34	65
	131/3	0	01	80
	129/2	0	24	60

(1)	(2)	(3)	(4)	(5)
	129/1	0	01	10
	129/5	0	01	10
	128/1	0	01	10
	128/3	0	00	20
	128/4	0	21	85
	186	0	04	60
	185	0	00	80
	184/1	0	00	80
	184/2	0	15	00
	182	0	01	00
	183	0	13	90
	180/1	0	02	05
	180/2	0	17	25
	179/5	0	01	35
	179/4	0	02	20
	179/3	0	07	80
	176/3	0	01	30
	311/5	0	01	00
	311/2	0	20	50
	299/2	0	02	00
	310	0	02	65
	309	0	09	00
	308/1	0	04	35
	308/3	0	05	25
	303/2	0	14	80
	304	0	06	80
	374/1	0	14	20
	373	0	00	75
	372/1	0	04	30
	372/2	0	11	40
	372/3	0	01	10
	400	0	11	00
	401	0	10	00
	402	0	05	40
	403	0	06	60
	404	0	06	25
	405	0	12	20
	406/2	0	20	20
	406/3	0	00	10
	410/3	0	03	65
	414/1	0	14	75
	414/2	0	00	30
	425/1	0	14	20
	425/2	0	12	85
	425/5	0	02	20

(1)	(2)	(3)	(4)	(5)
	426/1	0	18	00
	426/2	0	01	80
	426/4	0	02	35
	427/1	0	01	30
कोषुकुल्ली	254	0	05	05
	253	0	01	20
	252	0	01	30
	255	0	27	25
	251/1	0	01	20
	251/2	0	09	10
	256	0	00	80
	247	0	07	95
	246	0	01	00
	245	0	06	65
	244/1	0	07	55
	244/2	0	08	90
	243/2	0	19	25
	243/3	0	01	00
	243/4	0	02	30
	242/2	0	01	20
	242/3	0	06	10
	275/1	0	00	80
	275/2	0	10	40
	274	0	01	00
	276	0	05	35
	277/1	0	02	83
	277/2	0	06	40
	277/3	0	01	60
	283/1	0	03	80
	282/1	0	02	55
	282/2	0	01	70
	282/3	0	06	80
	278	0	18	10
	281	0	00	50
	292	0	00	40
	293/1	0	04	55
	294	0	00	50
	303/1	0	05	60
	302/1	0	01	20
	302/2	0	00	45
	299/1	0	04	10
	299/2	0	05	80
	299/3	0	00	50

(1)	(2)	(3)	(4)	(5)
	298/1	0	04	10
	298/2	0	00	40
	298/3	0	00	15
	297	0	15	35
	296	0	01	00
ओल्लुक्करा	1173/1	0	03	40
	1173/3	0	01	00
	1172/2	0	13	50
	1172/4	0	01	30
	1172/5	0	12	60
	1178	0	33	00
	1179/2	0	03	10
	1181/1	0	01	00
	1181/3	0	27	00
	1180/1	0	03	00
	1182/1	0	02	00
मुलयम	37	0	19	00
	36	0	10	80
	34/1	0	19	00
	34/2	0	01	00
	35/1	0	02	00
	11	0	18	20
	10	0	27	80
	69	0	34	50
	492	0	07	60
	72	0	19	40
	74	0	16	50
	84	0	31	00
	98	0	29	40
	110	0	38	50
	109/1	0	33	40
	109/2	0	00	80
	104	0	01	60
	105/1	0	01	80
	106/3	0	03	24
	107/1	0	02	00
	108	0	12	40
	121	0	20	80
	122	0	01	00
	117/1	0	02	00
	118	0	01	60

(1)	(2)	(3)	(4)	(5)
	120/1	0	19	80
	135/1	0	13	00
	135/3	0	06	60
	135/4	0	02	00
	170	0	02	50
	171/1	0	09	40
	171/2	0	01	80
	171/3	0	01	00
	171/5	0	01	60
	169	0	15	60
	168	0	01	90
	167	0	13	40
	166	0	02	40
	164	0	06	40
	163	0	05	80
	162/1	0	04	10
	162/2	0	02	02
	234/3	0	23	80
	234/4	0	01	10
	235/2	0	07	80
	236/1	0	02	00
	236/2	0	02	80
	237	0	12	20
	233	0	24	30
	230	0	01	00
	229	0	03	20
	220/1	0	04	00
	220/2	0	01	00
	220/3	0	00	30
	222/1	0	06	40
	222/2	0	01	00
	219/1	0	06	80
	219/2	0	07	00
	218/1	0	03	70
	218/3	0	02	00
	217	0	06	40
	216/2	0	13	80
	216/3	0	04	00
	216/4	0	01	60
	216/6	0	01	30
	209/1	0	25	50
	206	0	23	00
	203/1	0	01	20
	203/2	0	05	00
	205	0	23	00

(1)	(2)	(3)	(4)	(5)
	310/1	0	16	50
	311/1	0	11	80
	309/2	0	03	50
	308	0	07	80
	307	0	05	00
	325/2	0	16	20
	323/1	0	18	20
	322	0	12	80
	327	0	02	00
	326	0	01	80
	328	0	04	00
	337	0	19	20
	341	0	15	50
	335	0	17	00
	334	0	09	30
	333	0	01	40
पाणन्वेरी (खण्ड सं० - 77)	136/4	0	16	80
	136/5	0	01	20
	136/7	0	04	20
	140/1	0	20	00
	140/3	0	09	50
	140/5	0	02	00
	135/2	0	08	90
	135/3	0	01	60
	135/4	0	05	20
	135/5	0	16	20
	141/1	0	07	20
	141/4	0	14	60
	141/5	0	02	20
	142/2	0	08	60
	142/3	0	01	20
	143/5	0	08	70
	143/6	0	01	00
	143/7	0	01	10
	143/8	0	01	40
	143/9	0	03	00
	143/10	0	06	40
	134/11	0	01	60
	134/12	0	01	40
	144/2	0	12	75
	144/3	0	13	20
	145/2	0	00	60
	145/3	0	06	10

(1)	(2)	(3)	(4)	(5)
	145/4	0	03	10
	145/5	0	02	90
	145/6	0	01	40
	145/7	0	25	40
	145/8	0	06	40
	89/6	0	20	00
	165/1	0	11	20
	165/3	0	01	00
	167/2	0	06	40
	167/5	0	01	00
	167/6	0	29	20
	166/2	0	02	00
	166/3	0	03	20
	166/6	0	01	80
	166/7	0	00	90
	170	0	26	30
	173/1	0	03	10
	173/2	0	05	00
	173/3	0	16	20
	173/4	0	09	30
	169/10	0	06	00
	174/1	0	34	20
	174/3	0	03	40
पाणन्चेरी (खण्ड सं० - 81)	29/3	0	03	00
	32/4	0	04	80
	32/5	0	07	60
	32/6	0	06	80
	32/8	0	05	70
	33	0	04	20
	31/3	0	04	35
	31/4	0	08	40
	30/1	0	23	00
	30/3	0	01	30
	30/4	0	01	60
	49/3	0	10	80
	51/2	0	08	60
	51/3	0	03	20
	51/4	0	05	50
	51/6	0	16	30
	51/7	0	01	00
	51/8	0	02	20
	51/10	0	02	90
	53/1	0	04	20

(1)	(2)	(3)	(4)	(5)
	53/2	0	02	10
	53/3	0	09	50
	53/4	0	03	20
	53/5	0	04	10
	53/6	0	03	40
	53/7	0	08	10
	53/8	0	01	80
	56/1	0	20	40
	56/2	0	01	60
	56/3	0	02	90
	56/4	0	05	60
	56/5	0	05	30
	57/1	0	42	70
	57/2	0	02	30
	57/3	0	13	80
	60/2	0	02	20
	60/3	0	01	00
	60/6	0	05	90
	60/7	0	01	00
	60/8	0	04	30
	60/9	0	05	10
	60/10	0	01	80
	60/11	0	02	10
	60/12	0	08	20
	60/13	0	12	30
	61/2	0	11	80
	61/3	0	08	90
	61/4	0	03	10
	61/5	0	00	80
	61/6	0	05	60
	61/7	0	01	20
	61/10	0	04	60
	61/11	0	03	20
	61/12	0	02	20
	62/1	0	01	20
	62/2	0	05	60
	62/5	0	01	60
	62/6	0	00	80
	62/7	0	00	60
	62/9	0	01	90
	50	0	50	70

(1)	(2)	(3)	(4)	(5)
पाणन्चेरी (खण्ड सं० - 80)	362/5	0	01	00
	362/6	0	08	20
	363/4	0	08	70
	363/5	0	14	00
	364/2	0	36	20
	364/4	0	00	80
	366/1	0	05	80
	366/3	0	07	90
	366/10	0	04	60
	366/15	0	00	80
	368/1	0	07	90
	368/2	0	00	60
	368/5	0	00	90
	368/6	0	07	60
	368/7	0	02	00
	371/1	0	13	50
	371/3	0	00	40
	371/4	0	02	40
	371/5	0	03	30
	371/6	0	01	90
	371/12	0	01	20
	372/6	0	07	30
	372/7	0	03	50
	372/8	0	08	00
	376/9	0	07	80
	376/10	0	02	00
	376/12	0	05	90
	377/2	0	02	40
	377/3	0	11	20
	377/4	0	04	30
	378/5	0	05	30
	378/6	0	07	80
	378/7	0	01	30
	383/1	0	07	60
	383/2	0	07	80
	383/3	0	04	50
	383/4	0	05	60
	383/5	0	01	00
	384/1	0	08	40
	384/2	0	09	80
	385/3	0	21	90
	382/3	0	01	70
	382/5	0	03	30
	382/6	0	03	60
	382/7	0	04	50

गाँव	सर्वेक्षण संख्या	पुनः सर्वेक्षण संख्या (न अंतिम)	क्षेत्र (लगभग)		
			हेक्टेयर	आरे	वर्गमीटर
(1)	(2)	(3)	(4)	(5)	(6)
पीच्ची					
(खण्ड सं० - 79)					
	855/4	48/1	0	03	80
	852/1	48/6,7	0	13	70
	857	47/1	0	20	40
	849/1,4	47/2	0	04	00
	849/2	47/3	0	09	20
	849/3	44/1	0	14	60
	845	44/2,3	0	21	90
	2773/6,8 & 2774/3	43/6	0	02	00
	844,842/2 & 843/2	37	0	26	60
	837,838,839	38	0	02	40
	842/3	35/1	0	14	25
	836	35/2,3,4	0	20	60
	835, 831/3	28	0	16	70
	832/1 & 834/1,2 & 830/3 & 831/3 & 833/1,2,3	29/2	0	08	60
	2780/1	26/5	0	02	80
	2800/1 & 2801/1	109/1	0	01	85
	2802/3	109/7	0	04	70
	2801/1	109/8	0	05	25
	1106/1	109/9	0	02	90
	2800/2 & 2801/4	108/14	0	01	00

(1)	(2)	(3)	(4)	(5)	(6)
	1106/1 & 1107	108/15	0	10	10
	1104/1,1112	106/5	0	26	10
	1106/3	106/6	0	01	20
	1105	106/7	0	24	00
	1101	106/8	0	03	80
	1113/4	104/1,2	0	27	60
	1118 & 1119/1,2 & 1120 & 1099	102	0	43	40
	1097	117/1,2,3	0	31	75
	1096	117/4	0	13	50
	1128	116/1	0	16	90
	1129,1130	116/2	0	19	40
	733/1	180/1	0	04	90
	735	180/4,7,8,10	0	23	60
	736	180/5	0	07	45
	731/2 & 732/1 & 2050	368/2	0	35	20
	730	367/1	0	05	70
	729	367/2	0	15	00
	727/4 & 729 & 730	372/1	0	14	80
	725/1	372/2,3	0	10	00
	726	373/1,2,3, 4,5,6,7,8,10	0	43	20
	724/1,2052	385/7	0	22	20
	723/1,2	385/10	0	12	50
	722	386/6	0	23	75
	721/1	386/7	0	08	50
	721/2	386/8	0	08	25
	718,719	387/1	0	05	60
	720,1880/2	387/2	0	11	70

(1)	(2)	(3)	(4)	(5)	(6)
	717,718	388/1	0	10	25
	716/2	388/2	0	13	90
	716/1 & 1881/1 & 715	388/3	0	18	35
	3039	397/1	0	09	40
	3038	397/2	0	01	00
	3040 & 3041 & 3042	397/3	0	20	20
	3043,3044	397/4	0	06	90
	2392/3 & 2391/1	396/2	0	09	00
	3045 & 3046 & 2544/1	396/4	0	21	80
	3046,3047	451/1,4	0	12	80
	620 & 623/1,2 & 624/1,2,3 & 625 & 626 & 2388/1 & 2389/1	455/1	0	30	80
	622,3049/1	455/3	0	03	00
	3048/1	455/4	0	16	30
	3047	455/6	0	04	60
	627/4	477/3	0	02	00
	1749/1	477/4	0	11	70
	626	477/5	0	01	45
	1760/2	477/6	0	00	80
	620	477/7	0	19	80
	2360	476	0	15	20
	2363 & 2364 & 2365	482	0	38	90

(1)	(2)	(3)	(4)	(5)	(6)
	1751 & 608 & 1750	483/1	0	02	60
	2368	483/2	0	11	30
	2366,2367	483/4	0	21	80
	2379	488/3	0	01	90
	1748/2	489/3	0	02	00
	594	489/7	0	01	80
	2380 & 2381 & 2382	489/8	0	43	00
	3709/2	489/9,12	0	02	00
	3709/1	489/10	0	00	60
	582/1,2 & 583/1,2 & 584/1,2 & 585/1,2 & 586	505/2	0	19	00
	582/3,4	505/3	0	02	00
	1747/1	505/4	0	04	20
	590/1	512/1	0	01	40
	561/5	512/2,3,4	0	12	40

(1)	(2)	(3)	(4)	(5)	(6)
	558 & 561/1,2, 3,4,6,7 & 560/1	512/5	0	22	80
	562/1,2 & 563/3	513/1	0	03	70
	559/1	514/1	0	01	20
	559/2, & 558, & 557/2	514/3	0	33	50
	557/3	514/4	0	01	00
	564/3	514/5	0	00	60
	557/1	514/6	0	07	20
	554/1	514/7	0	19	00
	555,556	514/8	0	03	20
	553/2	524/1	0	01	40

पीच्ची

(खण्ड सं० - 84)

2153/1	2/1	0	05	20
2153/2	2/2	0	13	90
2154	2/3	0	16	20
2154 & 1738/2,5 1738/5 & 1737/pt	3/1 7/2	0 0	23 21	20 30
1737/pt	7/6	0	09	25

New Delhi, 17th, September 1999

S. O. 2721.— Whereas it appears to the central Government that it is necessary in the public interest that for the transport of Motor Spirit, Superior Kerosene Oil and High Speed Diesel from Irimpanam Installation of Bharat Petroleum Corporation Limited, Irimpanam, Cochin in the State of Kerala to Karur in the State of Tamil Nadu, a pipeline should be laid by Petronet C.C.K. Limited;

And whereas for the purpose of laying such Pipeline it is necessary to acquire the right of user in the lands described in the schedule annexed to this Notification;

Now therefore in exercise of the powers conferred by sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may within 21 days from the date on which the copies of the notification as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the right of user therein or laying the pipeline under the land to Sri. A.T. James, competent authority, Cochin-Colombatore-Karur Pipeline Project, Golden Plaza Annexe, Chittoor Road, Cochin - 18, Kerala State, Pin - 682 018.

SCHEDULE**STATE : KERALA****DISTRICT : THRISSUR****TALUK : MUKUNDAPURAM**

VILLAGE	SURVEY NUMBERS	AREA (APPROXIMATE)		
		HECTARES	ARES	SQ.MTRS.
(1)	(2)	(3)	(4)	(5)
PADINJARE CHALAKKUDY	1/1	0	01	20
	1/2	0	16	55
	28	0	19	20
	283/4	0	00	46
KIZHAKKE CHALAKKUDY	346	0	19	20
	338/3	0	12	80
	337/2	0	10	55
	337/3	0	03	95
	336/2	0	04	05
	335/1	0	28	89
	334	0	02	00
	317/1	0	14	20
	319/2	0	06	40
	320	0	09	20
	321	0	03	45
	313/1	0	04	60
	313/2	0	02	80
	313/3	0	08	20
	313/4	0	05	30
	313/5	0	02	00
	313/6	0	05	10
	312/1	0	12	80
	312/2	0	02	60
	310/2	0	09	30
	309/1	0	03	15
	309/2	0	09	35
	309/6	0	03	40
PERAMBRA	248	0	16	26
	247	0	13	40

(1)	(2)	(3)	(4)	(5)
	246	0	17	00
	243	0	14	00
	244	0	09	00
	245	0	13	00
	229/1	0	14	20
	229/2	0	04	85
	228/3	0	02	05
	230	0	24	75
	231	0	13	60
	233	0	09	40
	234	0	11	90
	235/1	0	02	25
	235/2	0	01	20
	235/3	0	01	60
	235/4	0	04	05
	235/5	0	00	40
	236/2	0	04	15
	236/3	0	03	95
	236/4	0	01	00
	236/5	0	05	30
	237/1	0	10	00
	237/2	0	09	00
	213	0	01	20
	212/1	0	04	30
	212/2	0	01	80
	238	0	10	10
	207/1	0	09	20
	207/3	0	00	80
	239/1	0	01	00
	239/2	0	05	70
	239/4	0	01	30
	239/5	0	02	95
	206/2	0	01	80
	206/4	0	08	20
	285/2	0	03	35
	286/2	0	05	60
	288/2	0	13	80
	300	0	08	10
	289/2	0	02	40
	290/2	0	10	40
	290/5	0	04	70
	290/6	0	02	05

(1)	(2)	(3)	(4)	(5)
	291/1	0	06	20
	291/2	0	05	80
	292/1	0	09	40
	293/1	0	05	20
	294	0	08	95
	313/3	0	06	95
	314/1	0	18	30
	316/1	0	00	80
	316/2	0	02	05
	338	0	33	50
	339/1	0	31	80
	339/3	0	06	00
	340/1	0	11	60
	340/3	0	01	30
	340/4	0	01	00
	340/5	0	02	65
	341/1	0	05	60
	341/3	0	08	50
	341/4	0	11	20
	341/5	0	02	05
	343	0	07	25
	389/3	0	00	90
	389/4	0	02	80
	389/5	0	03	20
	390	0	17	90
	342	0	02	05
	385	0	09	40
	391/2	0	34	95
	395	0	01	30
	396	0	22	90
	397/1	0	01	40
	397/2	0	06	40
	397/3	0	01	60
	397/4	0	01	00
	398/1	0	20	45
	401/1	0	00	90
	401/2	0	01	80
	402/1	0	00	80
	402/2	0	02	00
	404/1	0	07	20
	404/3	0	04	00
	403/1	0	06	20
	432	0	03	75
	431	0	17	85
	436/2	0	02	15

(1)	(2)	(3)	(4)	(5)
	436/3	0	10	35
	436/5	0	04	40
	436/6	0	02	45
ALOOR	171/3	0	11	10
	171/4	0	06	15
	170/2	0	00	95
	170/3	0	02	45
	170/4	0	00	45
	170/5	0	09	40
	169/3	0	03	65
	169/4	0	06	80
	169/5	0	02	05
	163/3	0	02	00
	164/1	0	05	35
	164/2	0	01	40
	165/2	0	02	65
	165/3	0	07	80
	165/4	0	02	45
	166/1	0	30	95
	166/3	0	08	10
	189/2	0	08	35
	188	0	29	70
	187	0	09	65
	200/1	0	14	35
	210/1	0	12	75
	210/4	0	08	70
	210/5	0	09	10
	211/2	0	04	05
	211/3	0	07	40
	212	0	10	65
	213	0	03	70
	214	0	05	20
	222	0	13	50
	223/1	0	03	10
	223/4	0	05	00
	223/5	0	04	40
	207/8	0	00	80
	207/9	0	01	70
	207/10	0	02	45
	227/2	0	04	05
	226/3	0	44	40
	276/1	0	01	30
	276/2	0	02	65
	276/3	0	00	90

(1)	(2)	(3)	(4)	(5)
	258/1	0	08	50
	258/4	0	37	55
	258/6	0	07	10
	258/7	0	05	85
	253/1	0	01	00
	252/1	0	00	90
	252/2	0	02	05
	249/2	0	06	05
	247/5	0	01	00
	247/6	0	10	30
	247/7	0	02	05
	247/8	0	17	30
	248/1	0	15	35
	245/1	0	02	05
	245/2	0	01	00
	245/3	0	02	40
	246/2	0	00	90
	710	0	21	85
	712/2	0	02	80
	714/2	0	36	80
KODAKARA	745/1	0	14	90
	742/1	0	27	90
	741	0	08	60
	740/1	0	14	10
	766/1	0	13	60
	766/2	0	07	85
	738	0	01	20
	737	0	10	20
	773/1	0	15	90
	773/2	0	13	80
	774	0	05	70
	775/1	0	08	20
	787/1	0	11	70
	785	0	23	50
	783	0	04	60
	784	0	02	40
	815	0	23	00
	814	0	05	20
	818	0	01	20
	819	0	08	80
	820	0	04	90
	830	0	42	50
	807/1	0	04	60

(1)	(2)	(3)	(4)	(5)
	806/1	0	04	20
	910	0	06	10
	909/2	0	24	20
	908/2	0	11	30
	906/2	0	05	90
	907	0	11	40
	905/2	0	01	90
	904/2	0	09	30
	903	0	06	45
	901/2	0	05	90
	900/2	0	04	90
	899/2	0	05	00
	895/2	0	02	35
	894/2	0	09	55
	893	0	03	05
	892/2	0	06	30
	892/3	0	05	90
	892/4	0	05	67
	892/5	0	01	80
	892/6	0	11	25
	892/7	0	02	15
	890/1	0	13	80
	919/4	0	11	80
	920/2	0	00	90
	923/2	0	18	40
	923/3	0	19	20
	924/1	0	03	00
	926/1	0	04	00
	927/1	0	17	50
	927/3	0	10	20
	927/5	0	32	90
	1278/3	0	17	80
	1277	0	21	80
	1275/1	0	13	40
	1275/3	0	03	60
	1273/1	0	02	20
	1273/2	0	09	60
	1271/1	0	01	80
	1272/1	0	13	40
	1272/2	0	09	80
	1269/1	0	07	20
	1269/2	0	01	20
	1269/3	0	07	70
	1269/4	0	00	80

(1)	(2)	(3)	(4)	(5)
	1269/5	0	02	50
	1269/6	0	03	10
	1269/7	0	05	90
	1268/1	0	03	40
	1268/3	0	09	40
	1268/5	0	08	20
	1268/6	0	07	40
	1268/7	0	06	80
	1447/1	0	05	20
	1447/2	0	03	60
	1449/2	0	32	40
	1266/1	0	06	50
	1451/2	0	04	40
	1450	0	27	20
	1455/1	0	10	10
	1455/2	0	04	60
	1454/3	0	10	10
	1454/4	0	07	30
	1457/2	0	08	60
	1466/1	0	08	30
	1466/2	0	02	20
	1466/3	0	11	20
	1465/1	0	09	70
	1465/2	0	14	00
	1472	0	44	00
	1471/3	0	10	50
	1474/1	0	01	90
	1474/2	0	34	60
	1274/2	0	20	85
NELLAYI	476/1	0	12	30
	476/2	0	03	90
	477	0	01	00
	478	0	02	20
	479	0	00	81
	482/1	0	12	30
	482/2	0	06	80
	483	0	05	40
	484/1	0	14	20
	484/3	0	01	30
	485/1	0	02	60
	485/2	0	12	60
	485/3	0	06	80
	497	0	17	40

(1)	(2)	(3)	(4)	(5)
	496/2	0	09	90
	496/3	0	09	80
	496/4	0	02	65
	520/1	0	06	30
	520/2	0	03	75
	518	0	00	40
	519	0	14	80
	517/1	0	04	25
	575/1	0	45	70
	575/11	0	41	25
	577/2	0	00	80
	578/1	0	01	20
	578/2	0	00	40
	582	0	00	40
	593/1	0	51	70
	584/4	0	03	60
	653	0	06	40
	654	0	17	20
	655	0	05	40
	656	0	04	90
	657	0	14	60
	658/1	0	00	40
	658/2	0	11	80
	664/1	0	25	80
	664/2	0	23	60
	676/1	0	03	50
	676/3	0	07	10
	676/4	0	22	80
	675/1	0	13	40
	747	0	00	80
	758	0	23	10
	748	0	17	60
	746/1	0	00	80
	759/3	0	25	80
	785	0	70	80
	784	0	17	60
	783/1	0	21	80
	782	0	09	60
	781/1	0	22	60
	780	0	00	80
	385	0	12	70
	384/3	0	23	40
	383/3	0	15	70
	382	0	01	20

(1)	(2)	(3)	(4)	(5)
	381	0	12	10
	380	0	07	10
	379	0	00	80
	378	0	10	90
PARAPPUKKARA	57/1	0	03	80
	58	0	07	40
	59/1	0	11	90
	59/2	0	00	30
	60/1	0	03	55
	66/1	0	10	70
	66/2	0	07	10
	67/1	0	00	14
	68/1	0	00	80
	69/1	0	01	81
	70/1	0	05	10
	88/1	0	14	20
	89/1	0	00	80
	89/2	0	15	40
	90/1	0	09	50
	92/1	0	01	30
	82/1	0	11	50
	82/2	0	13	60
	82/3	0	01	80
	80	0	03	40
	874/1	0	01	10
	874/4	0	05	10
	874/6	0	01	40
	875	0	11	90
	877/1	0	12	50
	877/2	0	02	40
	869/1	0	00	65
	869/2	0	06	60
	868/1	0	01	05
	868/2	0	08	10
	867	0	05	90
	839	0	09	90
	840/2	0	07	10
	840/5	0	07	30
	832/1	0	00	80
	832/2	0	00	20
	832/3	0	02	80
	844/2	0	14	20
	845/2	0	07	80

(1)	(2)	(3)	(4)	(5)
	846/1	0	05	40
	847	0	01	55
	849	0	06	50
	811/2	0	01	20
	848/1	0	06	35
	826/2	0	06	30
	825/1	0	04	10
	825/2	0	00	81
	812/1	0	00	81
	824	0	07	45
	823/3	0	04	25
	823/4	0	09	70
	813/1	0	03	50
	813/2	0	05	00
	814	0	07	60
	815	0	04	35
	816	0	10	10
	818	0	04	75
	793	0	44	50
	791	0	09	80
	792/1	0	02	70
	1059/1	0	01	20
	1061	0	02	90
	1014/2	0	04	10
	1014/3	0	04	30
	1011	0	06	05
	1060/1,2,4	0	20	70
	1013/1,2	0	27	90
	1066	0	01	80
	56/2	0	01	45
THORAVA	428/2	0	01	10
	384/3	0	02	40
	384/2	0	02	15
	385/2	0	05	15
	332	0	00	15
	320/1	0	01	43
	320/2	0	00	97
	320/3	0	01	48
	320/5	0	01	30

(1)	(2)	(3)	(4)	(5)
NENMANIKKARA	323	0	09	40
	324	0	17	80
	342/2	0	04	40
	328/2	0	08	80
	328/3	0	02	30
	330/2	0	07	00
	329	0	06	05
	327/1	0	00	60
	327/2	0	03	80
	331/1	0	12	60
	331/2	0	01	00
	332	0	31	20
	333	0	00	80
	178	0	16	80
	177	0	08	50
	171/1	0	02	40
	171/2	0	00	25
	175	0	07	30
	176	0	00	30
	174	0	01	80
	145	0	19	20
	173	0	05	20
	172	0	01	00
	143	0	04	30
	144	0	02	35
	142	0	06	00
	141	0	01	62
	140	0	14	95
	139/1	0	02	75
	138/2	0	00	20
	213/1	0	01	40
	213/2	0	04	86
	214/1	0	00	30
	214/2	0	04	00
	216	0	16	50
	50/1	0	23	40
	57	0	12	40
	55/4	0	15	20
	56/2	0	00	30
	59/1	0	29	50
	61	0	01	00
	16	0	24	90
	62	0	20	25
	63	0	13	40
	64	0	00	30

(1)	(2)	(3)	(4)	(5)
	67	0	01	20
	66/1	0	08	80
	66/2	0	00	60
	66/3	0	00	35
	65	0	03	70
	68	0	00	20
	946	0	00	18
	444/1	0	00	35
	443/3	0	04	20
THRIKUR	397	0	17	00
	396/1	0	16	80
	402/1	0	26	40
	402/2	0	02	40
	399/1	0	01	00
	399/3	0	02	40
	385/1	0	18	55
	385/4	0	06	20
	385/5	0	06	80
	384/1	0	02	00
	384/2	0	00	81
	383	0	01	00
	362/3	0	05	80
	361/4	0	06	70
	363/4	0	14	00
	370/1	0	17	20
	370/2	0	02	60
	371	0	01	30
	368	0	01	20
	349	0	18	90
	350	0	12	10
	351/1	0	02	35
	351/2	0	02	90
	352	0	01	80
	331	0	14	20
	329/1	0	01	35
	329/2	0	00	30
	329/3	0	14	70
	329/4	0	14	00
	330	0	07	50

(1)	(2)	(3)	(4)	(5)
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TALUK : THRISSUR

MARATTAKKARA	987	0	04	00
	986	0	04	50
	984	0	02	00
	983	0	05	75
	982	0	05	60
	1151	0	02	02
	980	0	08	90
	974	0	20	00
	970	0	10	60
	972	0	03	80
	973	0	01	80
	969	0	26	20
	961	0	01	35
	965/1	0	00	80
	968	0	01	80
	967	0	14	80
	966	0	04	05
	901	0	10	20
	898	0	04	70
	902	0	04	20
	900	0	14	30
	904	0	18	50
	859/2	0	15	60
	858	0	01	40
	860/1	0	00	60
	860/3	0	01	00
	861	0	12	40
	862/1	0	09	60
	876/1	0	02	10
	876/2	0	08	30
	876/3	0	14	50
	874	0	08	20
	873	0	05	30
	872	0	05	40
	871	0	06	10
	741	0	41	40
	745	0	01	20
	746	0	05	80
	759	0	17	50
	747/1	0	02	00
	747/2	0	08	30
	747/4	0	06	90

(1)	(2)	(3)	(4)	(5)
	747/5	0	07	80
	748	0	14	40
	749	0	11	20
	750	0	03	60
	751	0	09	20
	259/1	0	06	00
	753/1	0	15	00
	753/2	0	01	00
	752	0	02	00
	776	0	06	80
	775	0	02	00
	258	0	13	00
	777	0	01	40
	778	0	01	20
	779	0	01	60
	228/3	0	02	00
	228/4	0	03	80
	228/5	0	08	50
	228/6	0	10	80
	226	0	22	50
	227/2	0	00	20
	791	0	01	80
	222	0	02	80
	221	0	11	20
	220/1	0	05	70
	220/2	0	10	80
	191	0	12	60
	212/1	0	02	90
	193	0	05	60
	197	0	08	00
	194	0	13	00
	195	0	03	60
	187	0	14	50
	196	0	00	80
	186	0	02	80
	199/1	0	12	80
	182	0	01	40
	181	0	07	40
	179/2	0	06	50
	178	0	08	30
	176	0	23	20
	177	0	01	30
	155	0	05	60
	175	0	18	30
	156/1	0	01	00

(1)	(2)	(3)	(4)	(5)
	156/2	0	07	20
	158	0	09	80
	157	0	00	60
	161/2	0	04	00
	161/4	0	01	00
	162/2	0	14	80
	162/3	0	01	00
	164	0	10	80
	163/2	0	00	90
	163/3	0	01	21
	163/4	0	03	00
	166/1	0	01	30
	168	0	04	00
	108/1	0	06	80
	108/2	0	03	20
	867	0	01	30
	868	0	01	60
	869	0	01	40
	870	0	01	00
NADATHARA	500/1	0	13	30
	500/2	0	01	21
	499	0	01	00
KAYINOR	114/1	0	17	20
	115/1	0	17	00
	115/2	0	01	60
	116	0	07	40
	118/4	0	00	90
	119/1	0	31	80
	119/3	0	07	15
	121	0	01	20
	120/3	0	02	43
	120/2	0	15	65
	120/4	0	15	20
	123	0	18	00
	124/2	0	00	20
	124/3	0	10	40
	131/1	0	01	45
	131/2	0	16	00
	131/4	0	34	65
	131/3	0	01	80
	129/2	0	24	60

(1)	(2)	(3)	(4)	(5)
	129/1	0	01	10
	129/5	0	01	10
	128/1	0	01	10
	128/3	0	00	20
	128/4	0	21	85
	186	0	04	60
	185	0	00	80
	184/1	0	00	80
	184/2	0	15	00
	182	0	01	00
	183	0	13	90
	180/1	0	02	05
	180/2	0	17	25
	179/5	0	01	35
	179/4	0	02	20
	179/3	0	07	80
	176/3	0	01	30
	311/5	0	01	00
	311/2	0	20	50
	299/2	0	02	00
	310	0	02	65
	309	0	09	00
	308/1	0	04	35
	308/3	0	05	25
	303/2	0	14	80
	304	0	06	80
	374/1	0	14	20
	373	0	00	75
	372/1	0	04	30
	372/2	0	11	40
	372/3	0	01	10
	400	0	11	00
	401	0	10	00
	402	0	05	40
	403	0	06	60
	404	0	06	25
	405	0	12	20
	406/2	0	20	20
	406/3	0	00	10
	410/3	0	03	65
	414/1	0	14	75
	414/2	0	00	30
	425/1	0	14	20
	425/2	0	12	85
	425/5	0	02	20

(1)	(2)	(3)	(4)	(5)
	426/1	0	18	00
	426/2	0	01	80
	426/4	0	02	35
	427/1	0	01	30
KOZHUKULLI	254	0	05	05
	253	0	01	20
	252	0	01	30
	255	0	27	25
	251/1	0	01	20
	251/2	0	09	10
	256	0	00	80
	247	0	07	95
	246	0	01	00
	245	0	06	65
	244/1	0	07	55
	244/2	0	08	90
	243/2	0	19	25
	243/3	0	01	00
	243/4	0	02	30
	242/2	0	01	20
	242/3	0	06	10
	275/1	0	00	80
	275/2	0	10	40
	274	0	01	00
	276	0	05	35
	277/1	0	02	83
	277/2	0	06	40
	277/3	0	01	60
	283/1	0	03	80
	282/1	0	02	55
	282/2	0	01	70
	282/3	0	06	80
	278	0	18	10
	281	0	00	50
	292	0	00	40
	293/1	0	04	55
	294	0	00	50
	303/1	0	05	60
	302/1	0	01	20
	302/2	0	00	45
	299/1	0	04	10
	299/2	0	05	80
	299/3	0	00	50

(1)	(2)	(3)	(4)	(5)
	298/1	0	04	10
	298/2	0	00	40
	298/3	0	00	15
	297	0	15	35
	296	0	01	00
OLLUKKARA	1173/1	0	03	40
	1173/3	0	01	00
	1172/2	0	13	50
	1172/4	0	01	30
	1172/5	0	12	60
	1178	0	33	00
	1179/2	0	03	10
	1181/1	0	01	00
	1181/3	0	27	00
	1180/1	0	03	00
	1182/1	0	02	00
MULAYAM	37	0	19	00
	36	0	10	80
	34/1	0	19	00
	34/2	0	01	00
	35/1	0	02	00
	11	0	18	20
	10	0	27	80
	69	0	34	50
	492	0	07	60
	72	0	19	40
	74	0	16	50
	84	0	31	00
	98	0	29	40
	110	0	38	50
	109/1	0	33	40
	109/2	0	00	80
	104	0	01	60
	105/1	0	01	80
	106/3	0	03	24
	107/1	0	02	00
	108	0	12	40
	121	0	20	80
	122	0	01	00
	117/1	0	02	00
	118	0	01	60

(1)	(2)	(3)	(4)	(5)
	120/1	0	19	80
	135/1	0	13	00
	135/3	0	06	60
	135/4	0	02	00
	170	0	02	50
	171/1	0	09	40
	171/2	0	01	80
	171/3	0	01	00
	171/5	0	01	60
	169	0	15	60
	168	0	01	90
	167	0	13	40
	166	0	02	40
	164	0	06	40
	163	0	05	80
	162/1	0	04	10
	162/2	0	02	02
	234/3	0	23	80
	234/4	0	01	10
	235/2	0	07	80
	236/1	0	02	00
	236/2	0	02	80
	237	0	12	20
	233	0	24	30
	230	0	01	00
	229	0	03	20
	220/1	0	04	00
	220/2	0	01	00
	220/3	0	00	30
	222/1	0	06	40
	222/2	0	01	00
	219/1	0	06	80
	219/2	0	07	00
	218/1	0	03	70
	218/3	0	02	00
	217	0	06	40
	216/2	0	13	80
	216/3	0	04	00
	216/4	0	01	60
	216/6	0	01	30
	209/1	0	25	50
	206	0	23	00
	203/1	0	01	20
	203/2	0	05	00
	205	0	23	00

(1)	(2)	(3)	(4)	(5)
	310/1	0	16	50
	311/1	0	11	80
	309/2	0	03	50
	308	0	07	80
	307	0	05	00
	325/2	0	16	20
	323/1	0	18	20
	322	0	12	80
	327	0	02	00
	326	0	01	80
	328	0	04	00
	337	0	19	20
	341	0	15	50
	335	0	17	00
	334	0	09	30
	333	0	01	40
PANANCHERY (BLOCK NO.77)	136/4	0	16	80
	136/5	0	01	20
	136/7	0	04	20
	140/1	0	20	00
	140/3	0	09	50
	140/5	0	02	00
	135/2	0	08	90
	135/3	0	01	60
	135/4	0	05	20
	135/5	0	16	20
	141/1	0	07	20
	141/4	0	14	60
	141/5	0	02	20
	142/2	0	08	60
	142/3	0	01	20
	143/5	0	08	70
	143/6	0	01	00
	143/7	0	01	10
	143/8	0	01	40
	143/9	0	03	00
	143/10	0	06	40
	134/11	0	01	60
	134/12	0	01	40
	144/2	0	12	75
	144/3	0	13	20
	145/2	0	00	60
	145/3	0	06	10

(1)	(2)	(3)	(4)	(5)
	145/4	0	03	10
	145/5	0	02	90
	145/6	0	01	40
	145/7	0	25	40
	145/8	0	06	40
	89/6	0	20	00
	165/1	0	11	20
	165/3	0	01	00
	167/2	0	06	40
	167/5	0	01	00
	167/6	0	29	20
	166/2	0	02	00
	166/3	0	03	20
	166/6	0	01	80
	166/7	0	00	90
	170	0	26	30
	173/1	0	03	10
	173/2	0	05	00
	173/3	0	16	20
	173/4	0	09	30
	169/10	0	06	00
	174/1	0	34	20
	174/3	0	03	40
PANANCHERY (BLOCK NO. 81)	29/3	0	03	00
	32/4	0	04	80
	32/5	0	07	60
	32/6	0	06	80
	32/8	0	05	70
	33	0	04	20
	31/3	0	04	35
	31/4	0	08	40
	30/1	0	23	00
	30/3	0	01	30
	30/4	0	01	60
	49/3	0	10	80
	51/2	0	08	60
	51/3	0	03	20
	51/4	0	05	50
	51/6	0	16	30
	51/7	0	01	00
	51/8	0	02	20
	51/10	0	02	90
	53/1	0	04	20

(1)	(2)	(3)	(4)	(5)
	53/2	0	02	10
	53/3	0	09	50
	53/4	0	03	20
	53/5	0	04	10
	53/6	0	03	40
	53/7	0	08	10
	53/8	0	01	80
	56/1	0	20	40
	56/2	0	01	60
	56/3	0	02	90
	56/4	0	05	60
	56/5	0	05	30
	57/1	0	42	70
	57/2	0	02	30
	57/3	0	13	80
	60/2	0	02	20
	60/3	0	01	00
	60/6	0	05	90
	60/7	0	01	00
	60/8	0	04	30
	60/9	0	05	10
	60/10	0	01	80
	60/11	0	02	10
	60/12	0	08	20
	60/13	0	12	30
	61/2	0	11	80
	61/3	0	08	90
	61/4	0	03	10
	61/5	0	00	80
	61/6	0	05	60
	61/7	0	01	20
	61/10	0	04	60
	61/11	0	03	20
	61/12	0	02	20
	62/1	0	01	20
	62/2	0	05	60
	62/5	0	01	60
	62/6	0	00	80
	62/7	0	00	60
	62/9	0	01	90
	50	0	50	70

(1)	(2)	(3)	(4)	(5)
PANANCHERY (BLOCK NO.80)	362/5	0	01	00
	362/6	0	08	20
	363/4	0	08	70
	363/5	0	14	00
	364/2	0	36	20
	364/4	0	00	80
	366/1	0	05	80
	366/3	0	07	90
	366/10	0	04	60
	366/15	0	00	80
	368/1	0	07	90
	368/2	0	00	60
	368/5	0	00	90
	368/6	0	07	60
	368/7	0	02	00
	371/1	0	13	50
	371/3	0	00	40
	371/4	0	02	40
	371/5	0	03	30
	371/6	0	01	90
	371/12	0	01	20
	372/6	0	07	30
	372/7	0	03	50
	372/8	0	08	00
	376/9	0	07	80
	376/10	0	02	00
	376/12	0	05	90
	377/2	0	02	40
	377/3	0	11	20
	377/4	0	04	30
	378/5	0	05	30
	378/6	0	07	80
	378/7	0	01	30
	383/1	0	07	60
	383/2	0	07	80
	383/3	0	04	50
	383/4	0	05	60
	383/5	0	01	00
	384/1	0	08	40
	384/2	0	09	80
	385/3	0	21	90
	382/3	0	01	70
	382/5	0	03	30
	382/6	0	03	60
	382/7	0	04	50

VILLAGE	SURVEY NUMBERS	RE-SURVEY NUMBERS (NOT FINAL)	AREA (APPROXIMATE)		
			HECTARES	ARES	SQ.MTRS.
(1)	(2)	(3)	(4)	(5)	(6)

**PEECHI
(BLOCK NO.79)**

855/4	48/1	0	03	80
852/1	48/6,7	0	13	70
857	47/1	0	20	40
849/1,4	47/2	0	04	00
849/2	47/3	0	09	20
849/3	44/1	0	14	60
845	44/2,3	0	21	90
2773/6,8 & 2774/3	43/6	0	02	00
844,842/2 & 843/2	37	0	26	60
837,838,839	38	0	02	40
842/3	35/1	0	14	25
836	35/2,3,4	0	20	60
835, 831/3	28	0	16	70
832/1 & 834/1,2 & 830/3 & 831/3 & 833/1,2,3	29/2	0	08	60
2780/1	26/5	0	02	80
2800/1 & 2801/1	109/1	0	01	85
2802/3	109/7	0	04	70
2801/1	109/8	0	05	25
1106/1	109/9	0	02	90
2800/2 & 2801/4	108/14	0	01	00

(1)	(2)	(3)	(4)	(5)	(6)
	1106/1 & 1107	108/15	0	10	10
	1104/1,1112	106/5	0	26	10
	1106/3	106/6	0	01	20
	1105	106/7	0	24	00
	1101	106/8	0	03	80
	1113/4	104/1,2	0	27	60
	1118 & 1119/1,2 & 1120 & 1099	102	0	43	40
	1097	117/1,2,3	0	31	75
	1096	117/4	0	13	50
	1128	116/1	0	16	90
	1129,1130	116/2	0	19	40
	733/1	180/1	0	04	90
	735	180/4,7,8,10	0	23	60
	736	180/5	0	07	45
	731/2 & 732/1 & 2050	368/2	0	35	20
	730	367/1	0	05	70
	729	367/2	0	15	00
	727/4 & 729 & 730	372/1	0	14	80
	725/1	372/2,3	0	10	00
	726	373/1,2,3, 4,5,6,7,8,10	0	43	20
	724/1,2052	385/7	0	22	20
	723/1,2	385/10	0	12	50
	722	386/6	0	23	75
	721/1	386/7	0	08	50
	721/2	386/8	0	08	25
	718,719	387/1	0	05	60
	720,1880/2	387/2	0	11	70

(1)	(2)	(3)	(4)	(5)	(6)
	717,718	388/1	0	10	25
	716/2	388/2	0	13	90
	716/1 & 1881/1 & 715	388/3	0	18	35
	3039	397/1	0	09	40
	3038	397/2	0	01	00
	3040 & 3041 & 3042	397/3	0	20	20
	3043,3044	397/4	0	06	90
	2392/3 & 2391/1	396/2	0	09	00
	3045 & 3046 & 2544/1	396/4	0	21	80
	3046,3047	451/1,4	0	12	80
	620 & 623/1,2 & 624/1,2,3 & 625 & 626 & 2388/1 & 2389/1	455/1	0	30	80
	622,3049/1	455/3	0	03	00
	3048/1	455/4	0	16	30
	3047	455/6	0	04	60
	627/4	477/3	0	02	00
	1749/1	477/4	0	11	70
	626	477/5	0	01	45
	1760/2	477/6	0	00	80
	620	477/7	0	19	80
	2360	476	0	15	20
	2363 & 2364 & 2365	482	0	38	90

(1)	(2)	(3)	(4)	(5)	(6)
	1751 & 608 & 1750	483/1	0	02	60
	2368	483/2	0	11	30
	2366,2367	483/4	0	21	80
	2379	488/3	0	01	90
	1748/2	489/3	0	02	00
	594	489/7	0	01	80
	2380 & 2381 & 2382	489/8	0	43	00
	3709/2	489/9,12	0	02	00
	3709/1	489/10	0	00	60
	582/1,2 & 583/1,2 & 584/1,2 & 585/1,2 & 586	505/2	0	19	00
	582/3,4	505/3	0	02	00
	1747/1	505/4	0	04	20
	590/1	512/1	0	01	40
	561/5	512/2,3,4	0	12	40

(1)	(2)	(3)	(4)	(5)	(6)
	558 & 561/1,2, 3,4,6,7 & 560/1	512/5	0	22	80
	562/1,2 & 563/3	513/1	0	03	70
	559/1	514/1	0	01	20
	559/2, & 558, & 557/2	514/3	0	33	50
	557/3	514/4	0	01	00
	564/3	514/5	0	00	60
	557/1	514/6	0	07	20
	554/1	514/7	0	19	00
	555,556	514/8	0	03	20
	553/2	524/1	0	01	40

**PEECHI
(BLOCK NO.84)**

2153/1	2/1	0	05	20
2153/2	2/2	0	13	90
2154	2/3	0	16	20
2154 & 1738/2,5	3/1	0	23	20
1738/5 & 1737/pt	7/2	0	21	30
1737/pt	7/6	0	09	25

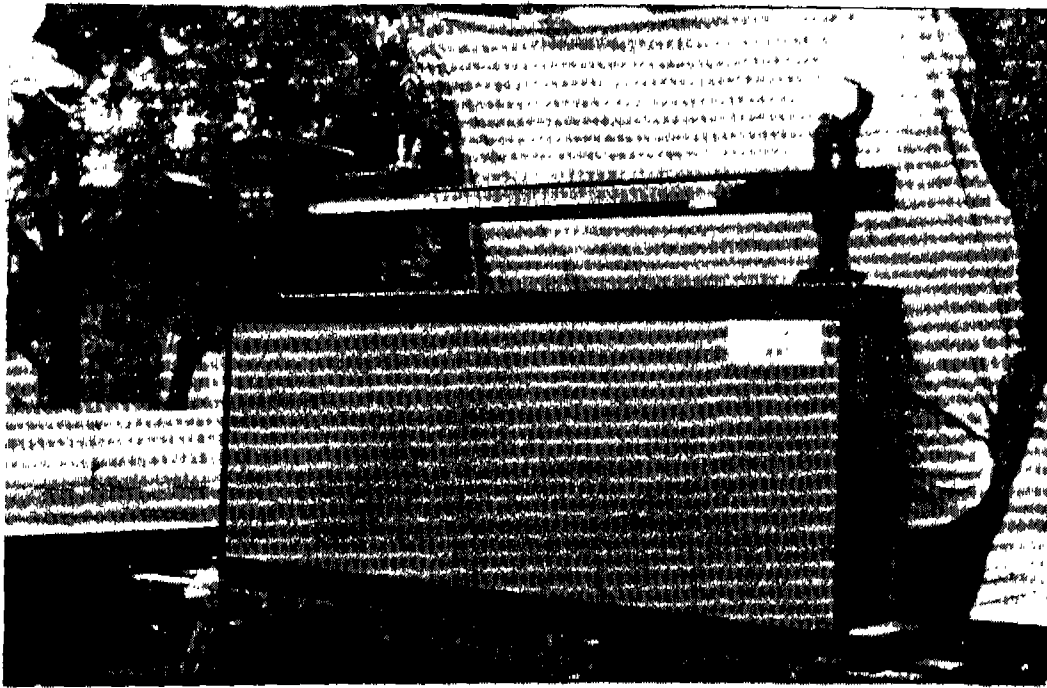
खाद्य और उपभोक्ता मामले मंत्रालय**(उपभोक्ता मामले विभाग)**

नई दिल्ली, 7 सितम्बर, 1999

का. आ. 2722.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा करता रहेगा,

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, वर्ग III यथार्थता (मध्यम यथार्थता) वाली "एअर" श्रृंखला की, स्वतःसूचक, अस्वच्छालित स्टील बार्ड प्रकार की यांत्रिक तुला चौकी के माडल का जिसके ब्रांड का नाम "एअरसन" है (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसका विनिर्माण मैमर्स एअरसन स्केल मैन्यूफैक्चरिंग कंपनी, 12-ए, हरिदर्शन सोसाइटी, काशीबा रोड, आनिप, अहमदाबाद-380 480 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई एन डी/09/98/141 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है,

यह माडल (आकृति देखें) मध्यम यथार्थता (यथार्थता वर्ग III) का तोलन उपकरण है, जिसकी अधिकतम क्षमता 20 टन और न्यूनतम क्षमता 100 किलोग्राम है। सत्यापन मापमान अन्तराल (ई) 5 किलोग्राम है। इसमें एक आधेय तुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेय तुलन प्रभाव है। भार ग्राही आयताकार है जिसकी भुजाएं 9 मीटर × 3 मीटर है,



और, केन्द्रीय सरकार, उक्त धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला का ऐसा तोलन उपकरण भी होगा, जिसका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है, और जिसके सत्यापन मापमान का अन्तराल (एन) की अधिकतम संख्या 10,000 से कम या इसके बराबर है तथा जिसका "ई" मान $1 \times 10^*$, $2 \times 10^*$ और $5 \times 10^*$ हैं, के पूर्णांक या शून्य हैं।

[फा. सं. डब्ल्यू एम-21/30/96]

पी. ए. कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

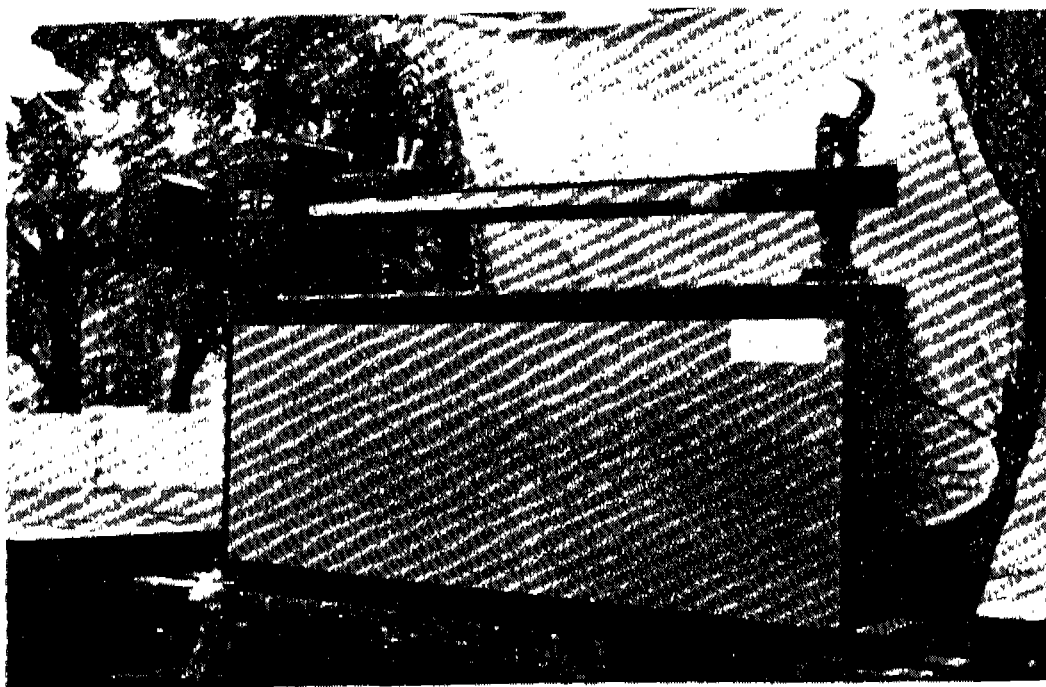
MINISTRY OF FOOD AND CONSUMER AFFAIRS**(Department of Consumer Affairs)**

New Delhi, the 7th September, 1999

S.O. 2722.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976), and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating, non-automatic, steel yard type mechanical weighbridge of type "Air" series of class III accuracy (Medium accuracy) and with brand name "AIRSON" (hereinafter referred to as the model) manufactured by M/s Airson Scale Manufacturing Co., 12-A Haridarshan Society, Kashiba Road, Aanip, Ahmedabad-380480 and which is assigned the approval mark IND/09/98/141;

The model (given in figure) is a medium accuracy (accuracy class III) weighing instrument with a maximum capacity of 30 tonnes and minimum capacity of 100 kg. The verification scale interval (e) is 5 kg. It has a tare device with a 100 percent subtractive retained tare effect. The load receptor is of rectangular section of side 9m × 3m meter;



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of same series with maximum number of scale divisions (n) equal to or less than 10,000 and with 'e' value of 1×10^k , 2×10^k , 5×10^k series where k is a whole number of zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F. No. WM-21(30)/96]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

आय और उपभोक्ता मामले मंत्रालय

(उपभोक्ता मामले विभाग)

भारतीय मानक ब्यूरो

नई दिल्ली, 31 अगस्त, 1999

क्र. आ. 2723—भारतीय मानक ब्यूरो नियम 1987 के नियम 9 के उपनियम (1) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये भारतीय मानकों सम्बन्धी मानक मुहर के डिजाइन निर्धारित कर दिये गये हैं :—

अनुसूची

क्र.सं.	मानक मुहर का डिजाइन	उत्पाद/उत्पाद की श्रेणी	भारतीय मानक की सं. और वर्ष	लागू होने की तिथि
(1)	(2)	(3)	(4)	(5)
1.	IS : 163	तैयार मिश्रित रोगन अग्नि प्रतिरोधक	आई एस 00163 : 1978	95-03-15
2.	IS : 1146	सीसा एमिड संग्राही बैटरी के लिये रबड़ और प्लास्टिक के धारक	आई एस 01146 : 1981	95-03-17
3.	IS : 3148	स्टाईड फास्टनर्स	आई एस 3148 : 1991	95-03-10
4.	IS : 4158	टोस बड़े हुये प्रकार के बिजली के तापन एल्यूमिनियम	आई एस 4158 : 1985	95-03-24
5.	IS : 5133 भाग 2	बिजली के उपायों के लिये संलग्न वाक्स भाग 2 विद्युत् रोधन सामग्री के बने बक्से	आई एस 5133 : 1969 भाग 2	95-02-17
6.	IS : 5245 भाग 2	तार के रस्सों को धूँधकर जोड़ने का तरीका भाग 2 फोबल निरापद, आय के टर्मिनल वाले तार रस्सों के स्लिंग लेग	आई एस 5245 : 1971 भाग 2	95-08-04
7.	IS : 5470	डाइ-कैल्शियम फास्फेट पशु आहार ग्रेड	आई एस 5470 : 1969	95-03-15
8.	IS : 6030	मोडियम प्रोपियोनेट खाद्य ग्रेड	आई एस 6030 : 1971	95-05-01
9.	IS : 6946	बिजली लगाने के आनम्य और नम्य चालक (बिना धातु के)	आई एस 6946 : 1973	95-02-17
10.	IS : 7084	बिजली के कार्यों के लिये बिटुमन आधारित अहाना	आई एस 7084 : 1973	95-11-18
11.	IS : 7173	खाद्येदार सिरे वाले पाने टोंटी की पेच	आई एस 7173 : 1989	95-09-29
12.	IS : 7408 भाग 1	(5 लीटर क्षमता तक) पोलिफीन के संकचित धारक	आई एस 7408 (भाग 1) : 1984	95-07-01
13.	IS : 8255	मोटरवाहनो के लिये नम्य भार वाहन के लिये पोल्यथेरीन फोम	आई एस 8255 : 1976	95-07-01
14.	IS : 8471 भाग 1	एमीडीपलीन जेनरेटर भाग 1 अल्प दाब अक्षल पानी के कार्बाईड और कार्बाईड पानी के प्रकार के	आई एस 8471-1 (1977)	95-02-17
15.	IS : 9206	सामान्य लैम्पों के लिये बायोनेट लैम्प	आई एस 9206 : 1979	95-03-31
16.	IS : 9971	लेस्टिक एमिड अक्षल ग्रेड	आई एस 9971 : 1981	95-02-17
17.	IS : 10228	स्कूल के बैग	आई एस 10228 : 1992	95-02-17

(1)	(2)	(3)	(4)	(5)
18.	IS : 10322 भाग 5	सिरीदार बस्ती उपकरण भाग 5 विशिष्ट अपेक्षाएं	आई एस 10322 : 1985 (भाग 5)	95-02-17
19.	IS : 10532 भाग 3	अग्नि प्रतिरोधी हाइड्रोलिक द्रव बाटर ग्लाइकोल टाइप भाग 3 जल-ग्लाइकोल टाइप	आई एस 10532 : 1983 (भाग 3)	95-03-16
20.	IS : 10758	निर्गन्धीकरण और गंगाणुनाशी द्रव	आई एस 10758 : 1983	95-07-28
21.	IS : 11340	चका (रेचर) उठाने के उत्तोलक	आई एस 11340 : 1985	95-02-17
22.	IS : 11688	मसाचार छानने वाला कागज	आई एस 11688 : 1991	95-08-26
23.	IS : 11879	माप वाले बिजली के कुकर	आई एस 11879 : 1986	95-03-14
24.	IS : 11884	बिना सहारे के प्लास्टिक अग्नि प्रतियेधी प्रेक्टिस सीट	आई एस 11884 : 1986	95-09-18
25.	IS : 12088	हड्डी की प्लेट की गत्यात्मक संपीड़न	आई एस 12088 : 1987	95-02-15
26.	IS : 12299	मिट्टास अंग मलार्थयुक्त दूध का पाउडर	आई एस 12299 : 1988	95-07-28
27.	IS : 12776	अर्थ के लिये जस्तीकृत तार	आई एस 12776 : 1980	95-03-10
28.	IS : 12912	ओरोमाडिओनोन आरबी 0.005% एसीफैट, एसपी	आई एस 12912 : 1990	95-02-17
29.	IS : 12916	एसीफैट, एसपी	आई एस 12916 : 1990	95-02-15
30.	IS : 13209	अमिट स्याही	आई एस 13209 : 1991	95-09-11
31.	IS : 13779	एसी, सांख्यिकी वाट हावर मीटर वर्गीकरण, 1 और 2	आई एस 13779 : 1993	95-04-19
32.	IS : 13954	बुद्धे ठंडे घट-बढ़ सकने वाले बिजली की टिन प्लेट सीट	आई एस 13954 : 1994	95-04-20
33.	IS : 13983	घरेलू कार्यों के लिये स्टीलनेस इम्पान के किचन के सिंक	आई एस 13983 : 1994	95-09-11
34.	IS : 14101	गहराई से पानी निकालने के हैंडपंप के घटक ढलवां लोहे के	आई एस 14101 : 1994	95-03-16
35.	IS : 14102	गहराई से पानी निकालने के हैंडपंप के घटक सीमायुक्त टिन कांसा	आई एस 14102 : 1994	95-03-16
36.	IS : 14103	गहराई से पानी निकालने के हैंडपंप के घटक मृदु इम्पान	आई एस 14103 : 1994	95-03-16
37.	IS : 14104	गहराई से पानी निकालने के हैंडपंप के घटक नाइट्रोइल रबर	आई एस 14104 : 1994	95-03-16
38.	IS : 14105	गहराई से पानी निकालने के हैंडपंप के ढलवां लोहे के	आई एस 14105 : 1994	95-03-16
39.	IS : 14151 भाग 1	सिंचाई तंत्र के छिड़काव यंत्र के लिये पालीइथाइलीन पाइप भाग 1 पाइप	आई एस 14151 : 1994 भाग 1	95-08-04
40.	IS : 14151 भाग 2	सिंचाई तंत्र के छिड़काव यंत्र के लिये पालीइथाइलीन पाइप भाग 2 युग्मक	आई एस 14151 : 1994 भाग 2	95-08-04

[सं. के. प्र. वि./13 : 9]

जे. वेंकटरमन, अपर सहायनियोगक

MINISTRY OF FOOD AND CONSUMER AFFAIRS

(Department of Consumer Affairs)

BUREAU OF INDIAN STANDARDS

New Delhi, the 31st August, 1999

S.O. 2723.—In pursuance of Sub-rule (1) of the rule 9 of Bureau of Indian Standards Rules, 1987 the Bureau of Indian Standards, hereby notifies the Standard Mark(s), for the Indian Standards given in the schedule :

SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Product	No. & year of the Indian Standard	Effective Date
1	2	3	4	5
1.	IS 163	Ready Mixed Paint, Dipping, Fire Resisting	00163:78	950315
2.	IS 1146	Rubber & Plastic Containers for Lead Acid Storage	01146:81	950217
3.	IS 3148	Slide Fasteners	03148:91	950310
4.	IS 4158	Solid Embedded Type Electric Heating Elements	04158:85	950324
5.	IS 5133 Part 2	Boxes for Enclosure of Electrical Accessories : Part 2 Boxes made of Insulating Material	05133 (Pt.02):69	950217
6.	IS 5245 Part 2	Methods for Splicing of Wire Ropes : Part 2 Wire Rope Sling Legs with Ferrule-Secured Eye Terminal	05245 (Pt.02):71	950804
7.	IS 5470	DI-Calcium Phosphate Animal Feed Grade	05470:69	950315
8.	IS 6030	Sodium Propionate, Food Grade	06030:71	950501
9.	IS 6946	Pliable Conduits and Flexible Conduits (Non-Metallic) for Electrical Installations	06946:73	950217
10.	IS 7084	Bitumin Based Filling Compounds for Electrical Purposes	07084:73	950118
11.	IS 7173	Slotted Pan Head Tapping Screws	07173:89	950929
12.	IS 7408 Part 1	Blow Moulded Polyalifin Containers : Part 1 upto 5 Litres Capacity	07408 (Pt.01):84	950701

1	2	3	4	5
13.	IS 8255	Flexible Load Bearing Polyurethane Foam Components for Vehicles	08255:76	950701
14.	IS 8471 Part 1	Requirements of Acetylene Generators: Part 1 Low Pressure Stationery of Water to Carbide and Carbide to Water Type	08471 (Pt.01):77	950217
15.	IS 9206	Baynot Caps for GLS Lamps	09206:79	950331
16.	IS 9971	Lactic Acid, Food Grade	09971:81	950217
17.	IS 10228	School Bag	10228:92	950217
18.	IS 10322 Part 5	Recessed Luminaires: Part 5 Particular Requirement	10322 (Pt.05):85	950217
19.	IS 10532 Part 3	Fire Resistant Hydraulic Fluids : Part 3 Water Glycol Type	10532 (Pt.03):83	950316
20.	IS 10758	Deodourizing Cum Disinfectant Fluids	10758:83	950728
21.	IS 11340	Ratchet Lever Hoist	11340:85	950217
22.	IS 11688	News Print Paper	11688:91	950825
23.	IS 11879	Electrical Steam Cookers	11879:86	950314
24.	IS 11884	Fire Resistent Brattice Sheeting Made from Unsupported Plastics	11884:86	950918
25.	IS 12088	Bone Plate Dynamic Compression	12088:87	950215
26.	IS 12299	Steetened Partly Skimmed Milk Powder	12299:88	950728
27.	IS 12776	Galvanized Strand for Earthing	12776:80	950310
28.	IS 12912	Bromadiolone RB 0.005%	12912:90	950217
29.	IS 12916	Acephate, SP	12916:90	950215
30.	IS 13209	Indelible Ink	13209:91	950911
31.	IS 13779	AC Static WattHour Meters, Class 1 & 2	13779:93	950419
32.	IS 13954	Double Cold Reduced Electrolytic Tinplate Sheets	13954:94	950420
33.	IS 13983	Stainless Steel Kitchen Sinks for Domestic Purposes	13983:94	950911
34.	IS 14101	Deepwell Handpumps Components Cast Iron	14101:94	950316

1	2	3	4	5
35.	IS 14102	Deepwell Handpumps Components Lead Tin Bronze	14102:94	950316
36.	IS 14103	Deepwell Handpumps Components Mild Steel	14103:94	950316
37.	IS 14104	Deepwell Handpumps Components Nitril Rubber	14104:94	950316
38.	IS 14105	Deepwell Handpumps Components Cast Iron	14105:94	950316
39.	IS 14151 Part 1	Polyethylene Pipes for Sprinkler Irrigation System: Part 1 Pipes	14151 (Pt.01):94	950804
40.	IS 14151 Part 2	Polyethylene Pipe for Sprinkler Irrigation System Couplers : Part 2 Couplers	14151 (Pt.02):94	950929

[No. CM 2/13:9]

J. VENKATARAMAN, Addl. Director General

श्रम मंत्रालय

नई दिल्ली, 30 जून, 1999

का.आ. 2724:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इंडिया के प्रबंधन के संवद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय औद्योगिक अधिकरण जयपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-6-99 को प्राप्त हुआ था।

[सं. एल.-12012/402/94-आईआर (बी-II)]

सी. गंगाधरन, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 30th June, 1999

S.O. 2724.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Industrial Tribunal, Jaipur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 29-6-99.

[No. L-12012/402/94-IR(B-II)]
C. GANGADHARAN, Desk Officer

अनुबंध

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर।

प्रकरण संख्या: सी.आई.टी. 27/95

रैफरेंस: भारत सरकार, श्रम मंत्रालय, नई दिल्ली की अधि-
सूचना संख्या एल-12012/402/94 आई.आर. (बी-2)

दिनांक 30 मई, 1995

सचिव, सेन्ट्रल बैंक वर्क्स ऑर्गनाइजेशन राज. द्वारा
43, पटेल कॉलोनी, सी-स्कीम, जयपुर।

प्रार्थी

बनाम

औद्योगिक प्रबंधक, सेन्ट्रल बैंक ऑफ इण्डिया, संगार चन्द्र
रोड, जयपुर।

अप्रार्थी

उपस्थित

पीठासीन अधिकारी: श्री मंगल चंद टेलर, आर.एच.जे.एस.
प्रार्थी की ओर से: कोई उपस्थित नहीं।
अप्रार्थी की ओर से: कोई उपस्थित नहीं।

यह अधिसूचना निम्नलिखित विवादित बिन्दु निर्णय
करने हेतु प्रेषित की गई है:—

Whether the action of the management of Central Bank of India, Bikaner/Jaipur in debarring Sh. V. K. Maurya, Clerk from officiating against the post of Special Assistant for a period of 12 months w.e.f. 7-4-1992 thereby depriving him of Special Allowance attached to that post is legal and justified? If not, to what relief the said workman entitled?

“अवार्ड”

दिनांक : 19-9-98

प्रार्थी प्रति. उपस्थित नहीं। समय 3.30 पी. एम. हो चुका है। अवार्ड लगवाई गई। प्रार्थी ने आज तक कनेम पेश नहीं किया है। कई अवसर दिये जा चुके हैं। अतः मुकदमा हाजा में अदम परवी व अदम समूह में नो डिस्प्यूट अवार्ड पारित किया जाता है। अवार्ड की प्रति केन्द्रीय सरकार को प्रकाशनार्थ भेजी जावे।

संगम चंद टेलर, न्यायाधीश

नई दिल्ली, 26 अगस्त, 1999

का.आ. 2725:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधन के संबंध निराकरण और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलोर के पंचाट को प्रकाशन करती है, जो केन्द्रीय सरकार को 24-8-99 को प्राप्त हुआ था।

[सं. एत-12012/277/96-आई आर (बी-II)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 26th August, 1999

S.O. 2725.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 24-08-99.

[No. L-12012/277/96-IR(B-II)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, BANGALORE

Dated 18th August, 1999

PRESENT :

JUSTICE R. RAMAKRISHNA, Presiding Officer.

C.R. No. 259/97

I PARTY

Sh. M. M. Betageri,

C/o The General Secretary,

Dharwad District Bank

Employees Association,

9, Corporation Building,

Broadway,

Hubli-580020.

II PARTY

The Deputy General Manager,

Syndicate Bank,

Zonal Office,

P. B. No. 747,

Mangalore-575003.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of Sub-section (1) and Sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-12012/277/96/IR(B-II) dated 5-8-97 for adjudication on the following schedule.

SCHEDULE

“Whether the action of the management of Syndicate Bank in dismissing the services of Sh. M. M. Betageri is justified? If not, to what relief he is entitled?”

2. The I party joined the services of the II party on 14-8-90 as a Clerk. He was appointed under Sportsman Quota as he was a good Cricketer and represented the State. After working in some of the branches he was transferred to Sadalga Branch. Thereafter, he was transferred to Kittur Branch. On 10-3-92 he was served with a charge sheet on the allegation that he was allowed/cost certain debit balance in his SB account No. 10221 and thereby there was inflated balance were shown and he has withdrawn some amounts in that inflated balance. The Charge Sheet runs to 7 pages. The gist of the charge is certain entries were made in his account at Sadalga Branch showing some small difference of amount of denomination of Rs. 20 and below having credited to his account and the main allegation is on 10-8-91 there was unbalanced balance in his SB account from Rs. 31.50 to Rs. 703.50 and this workman withdrawn a sum of Rs. 300 on that day.

3. The I party in his claim statement has denied the allegations contended that he was not the person who was maintaining the account ledger and some other clerk was incharge for entries and therefore these small inflations may be due to Arthematical mistakes and he is not directly involved in this misconduct. He has also attributed some interestness of the officers of Sadalga Branch who are not in good terms with this workman and therefore they have managed to make this allegation to the events that occurred during 1987 onwards till 1991.

4. He has also contended that the enquiry was not properly conducted and the report of the Enquiry Officer was nothing but perverse. The Disciplinary Authority and the Appellate Authority have failed to consider his written explanation objectively and infact he has approached the Hon'ble High Court of Karnataka when the punishment was imposed on him. The High Court has considered this aspect and stayed his removal from service till he insists his remedy by filing necessary appeal.

5. The next contention of the I party is that he having served the II party with Honesty, Sincerity all these years the Disciplinary Authority failed to take these matters into consideration and they have totally ignored the good past service rendered by this workman. Therefore, he questioned validity of his dismissal by the II party.

6. The II party in their Counter Statement have justified validity of Domestic Enquiry and further contended that the I party was found guilty of having committed the misconducts alleged in the charge sheet with deliberate intention and this being a serious offence the Disciplinary Party has not considered his past records and therefore the Order of dismissal does not call for any interference.

7. The I party has conceded the validity of Domestic Enquiry and therefore this tribunal has not conducted the necessary evidence on this issue. On the admission of the I party this preliminary issue was held in favour of management.

8. Sri M. Rama Rao the authorised Representative of the I party has taken through this Tribunal to the evidence recorded in the Domestic Enquiry and the report of Enquiry Officer to show that the report of Enquiry Officer is perverse. He has also submitted that the past services of the employee required to be taken into consideration before imposing any major punishment and the II party having failed to do so the Order of dismissal will not survive under law.

9. Against this submissions Smt. Sarvamangala a learned Advocate for the II party submit though the amounts involved in this allegation inflation is of low denomination, that does not unsolve the I party from the misconduct and therefore the management were justified in dismissing the service of this workman.

10. This Tribunal gave a finding on the validity of Domestic Enquiry on the basis of the memo filed by the I party conceding the validity of Domestic Enquiry. It is not out of place to mention that the tendency of-late is altogether changed. Infact this Tribunal also informed the learned Advocates or the representatives of the workman that wherever they find the materials which does not give rise for unnecessary and wrong interpretations, in the interest of the workman they should give up questioning the validity of Domestic Enquiry. It is the experience of this tribunal that the parties have spent from 1 year to 9 years to complete the process to give a finding on the validity of Domestic Enquiry. Therefore, the Tribunals should objectively examine this position when they are proceedings to discuss the case on merits.

11. The settled principles of law is that whenever the validity of Domestic Enquiry is held in favour of the management the Tribunals shall be slow in interfering to the report of the Enquiry Officer and the consequent action taken by the Disciplinary Authority. This analogy of law is made to see that the power to reappreciate the evidence afresh by the Tribunal is not the intentment of law. But however, the workman has a right to show that the report of the Enquiry Officer was a perverse order and the Management practiced unfair Labour practice to victimise their workman.

12. The misconduct refers to the years 1987, 1990 and 1991. The defect that was detected later was not within the knowledge of the management till this workman was working in that branch. After his transfer to Kittur branch this difference in account appears to have been found and therefore they

issued a charge sheet consisting the alleged inflating of the account. The workman was specific and defended that he is not involved in inflating the balance in his account but some clerks who were incharge in doing this type of work have committed this mistake and therefore the I party is nothing to do with this anomalies. His further case is that such mistakes are some what common in some account due to inefficiency of the concerned clerks who deals in those matters.

13. The Enquiry Officer to reach the conclusion of the charges being proved has made reliance on both Oral and Documentary evidence relied by the management in the Domestic Enquiry. A pre-investigation was also conducted before issue of Charge Sheet. Management examined only one witness S. S. Murudeshwar who formerly working in Vigilance Unit, Udupi as Deputy Divisional Manager. He has been asked from the Head Officer, Manipal to conduct a investigation into the alleged along/ causing debit balance and also alleged withdrawal of Rs. 300 in the SB account No. 10221 of the I party who was working as a Special Assistant on the Sadalga branch. The Oral evidence of this witness and the documents MEX-1 to MEX-43 was relied by the Enquiry Officer. These exhibits are nothing but extracts of entries made in the ledger folio of this workman till he was working in that branch. This consisting of Debit slips, Credit slips Withdrawal slips and Crediting the salary of this workman.

14. The fact that this workman is not the author of the ledger maintained in respect of his account was substantially proved. There is no evidence that this workman is instrumental in writing the ledger which is the basis for the management to the action. There is also no evidence whether this workman has connived with the ledger Clerks to make differences in the amount. The differences of amount found was very small amounts except in one occasion it reached Rs. 700. It is also in evidence that all this anomalies are later removed.

15. In the enquiry I witness as MW-1 was examined continuously on 7-1-93, his Ex-in-Chief concluded on that day. He was cross-examined in detail by the I party.

16. I have already stated that the Management exhibits are the extracts of the ledger folio. We have some of the questions and answers to come to the conclusion on the perversity

Q. I am showing MEX 3, 4, 5 and 6. You have not produced the same alongwith whole ledger. Whether it is correct.

A. Yes.

Q. I am showing MEX 8, there is a correction in the same against the word DL. Is it correct?

A. Yes.

Q. In the same MEX 8 there are further alterations in the bottom columns (in the totals). Is it correct?

A. Yes.

- Q. Whether MEX 8 is signed by the Manager ?
- A. No.
- Q. Whether it is signed by the Assistant Manager ?
- A. There is some signature in the column menant for signature of Asstt. Manager.
- Q. I am showing MEX 41. There are alterations/strikings in the Sl. No. 5, 6, 9 and 34. Whether the same authenticated by any official of the branch ?
- A. No.
- Q. Have you produced the specimen signature of the branch manager in this enquiry ?
- A. No.
- Q. Have you produced the specimen signature of the Assistant Manager of the branch in this enquiry ?
- A. No.
- Q. I am showing you MEX 42. Have you produced the original of MEX 42 in this enquiry ?
- A. No.
- Q. Have you produced the original of MEX 43 in this enquiry ?
- A. No.
- Q. Have you produced the report you have submitted on the investigation before this enquiry ?
- A. No.
- Q. Have you produced the statements you have obtained from the officials of Sedalga branch in this enquiry
- A. No.
- Q. Whether the Special Assts are barred from entering in the ledger as per our Bank rules ?
- A. No.
- Q. Whether the Special Assistant is barred from preparing credit vouchers and debit slips as per bank rules ?
- A. No.
- Q. Is there any bar on CSE to write his withdrawal slips ?
- A. No.
- Q. I am showing MEX 3. On 25-3-87, the entry of the figure 2849.95, can you say whose handwriting is that ?
- A. I do not know.
- Q. I say that the said credit entry is that of the clerk handling the SB account. Do you agree ?
- A. May be.
- Q. In the same MEX 3 whose handwriting is there on the balance of Rs. 2882.40 ?
- A. May be it is from clerk who is handling the SB department.
- Q. I say that the debit entry of Rs. 744 and balance of Rs. 2138.40 is not that of CSE. Do you agree ?
- A. Yes may be.
- Q. I say that the debit entry of Rs. 438.80 leading to balance of Rs. 1699.60 is not in the handwriting of CSE do you agree ?
- A. Yes may be .
- Q. Can you find certain alterations in the debit entry of Rs. 744 and balance Rs. 2138.40 is it so ?
- A. Yes.
- Q. On 25-3-87, there is no alterations on the last entry, i.e. debit Rs. 1690 leading to balance of Rs. 9.60 made by the CSE do you agree ?
- A. Yes.
- Q. The C.B. found below the debit entry of Rs. 1690 was put on the same day i.e. on 25-3-87. Do you agree ?
- A. Yes.
- Q. In MEX 6, page 2 below 3-8-91 you find C.B. I say that the word CB and the balance 703.58 is not written by the CSE. Do you agree?
- A. Yes.
- Q. I say that the C B and 703.58 is written by Sri Devaraj the Asstt. Manager of the branch in the balance column on 3-8-91, Do you agree ?
- A. That I cannot say.
- Q. In the C B column, under the head 'initials' there is an initial. I say that the initial is that of Sri Devaraj the then Asstt. Manager of the branch.
- A. May be.
- Q. I am showing the charge sheet. Under page 5 of the charge sheet, alleged charge no. 8 para 4 'ledger entry in respect of this withdrawal was made by you'. How can you say this that the handwriting is that of the CSE himself ?
- A. During the course of investigation my enquiries made with the staff members at the branch revealed that the entry for Rs. 380 in MEX 6 page no. 2 dated 13-7-91 was made by the CSE, in his handwriting.

Q. Have you produced any document in this enquiry to show that the handwriting of CSE is confirmed by other staff members of the branch ?

A. No.

Q. If so, have you produced any handwriting experts opinion about any of the alleged transactions ?

A. No.

Q. If so, have you produced any handwriting experts opinion about any of the alleged transactions ?

A. No.

Q. Are you an author of exhibits produced in this enquiry from MEX 1 to MEX 43.

A. No.

Q. Except MEX 41, whether other exhibits in the enquiry are officially addressed to you and marked as such on the exhibits.

A. No.

Q. I say that, the present allegations are made against the CSE only to discriminate, harrase and victimise the CSE. Do you agree ?

A. May be.

17. If we carefully go through the question and answers above it is crystal clear that the Enquiry Officer has not appreciated the evidence as it could be done in a case of this nature. He has also not taken into consideration some of the answers which Prima-facia goes to prove the answer of this workman.

18. A perverse order is defined in the Law Lexicon 1997 edition : "all order made in conscious violation of pleading and law is a perverse order." Similarly the perverse finding is defined : "means a finding which is not only against the weight of evidence but as altogether against the evidence itself."

19. Therefore, the workman bound to succeed on this point as the report of the Enquiry Officer is nothing but perverse findings.

20. The workman has fought Tooth and Nail to prove his innocence and he has given so many representations highlighting the weakness of evidence and also his unblemished service in this Organisation. The Disciplinary Authority and the Appellate Authority, for the reasons past known to them, have not at all considered the previous unblemished records of this workman. It is a cardinal principle of Law 2704 GI/99—19

that unless the alleged offence amounts to moral turpitude of a delinquent the authorities are bound to consider the previous history of the workman as it relates to his Efficiency, Conduct and Good behaviour.

21. Under clause 19.12(c) mandates the Disciplinary Authority to take into account the gravity of misconduct, the previous records if any of the employee and any other aggravating or extenuating circumstances what may exist.

22. I persued the Order of the Disciplinary Authority and in no where he has taken into consideration the previous service of this workman.

23. Having regards to these facts and circumstances the II party are not justified in dismissing the services of this workman. Consequent to this finding the following order is made.

ORDER

24. The II party are directed to reinstate the I party immediately. There shall be continuity of service. His salary shall be fixed by taking into consideration that he was in continuous services from the date of his suspension till he is reinstated. Since there was some element of carelessness of the I party in not noticing the mistakes committed by concerned Clerk in his ledger, we order only 50 per cent of the backwages. The reference is answered accordingly.

JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली, 26 अगस्त, 1999

का.आ. 2726 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-II, मुंबई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-8-99 को प्राप्त हुआ था।

[सं. एल-120361/97-आई आर (बी-II)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 26th August, 1999

S.O. 2726.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. II, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was referred by the Central Government on 24-8-99.

[No. L-12012/361/97-IR(B-II)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. II MUMBAI

PRESENT:

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT-2/34 of 1998

Employers in relation to the management of
Syndicate Bank.Dy. General Manager,
Syndicate Bank,
Zonal Office,
Maker Towers, 11th Floor,
Plot No. 85, Cuffe Parade,
Colaba, Mumbai-400 005.

AND

Their Workmen

State Secretary,
Syndicate Bank Employees Union
No. 743, Gr. Floor, 10, Homji Street,
Fort, Mumbai-400023.

APPEARANCES :

For the Employer—Mr. D. B. Shetty, Representa-
tive.For the workmen—Mr. S. S. Thakur Representa-
tive.

Mumbai, dated 2nd August, 1999

AWARD—PART-II

On 29th April, 1999 by Part-I Award-I came to the conclusion that the domestic inquiry which was held against the workman was as per the Principles of Natural Justice and the findings of the inquiry officer are not perverse.

2. By this Award I have to give findings on remaining issues. The issues and my findings thereon are as follows:—

Issues	Findings
Whether the action of the management of Syndicate Bank, Mumbai in terminating the services of Mr. M. B. Lohar w.e.f. 30-4-93 is legal and justified?	Legal & Justified.
If not, to what relief the said workman is entitled to?	Does not survive

REASONS

3. In short the workman was issued a charge sheet dtd. 23/27-6-88 to the effect that the secured employment in the bank by furnishing false particulars about his caste. After detailed inquiry the inquiry officer found him guilty. The Disciplinary authority relied upon the report of the inquiry officer and awarded the punishment.

4. The workman pleaded that the punishment which is awarded to him is disproportionate to the charges proved. On the otherhand it is the case of the management that the punishment which is awarded is perfectly legal and justified. Lohar the workman (Ex-37) again deposed in Examination-in-Chief in respect of the merits of the case. Infact after the findings on issue nos. 1 & 2 he is required to lead evidence to show that the punishment which is awarded is disproportionate to the charges proved, but he had not done so. He is on the point that he had not done anything knowingly.

5. The Management had also not led any oral evidence. They submitted that looking to the charges which are proved, the punishment is just and proper. I find substance in it. The workman in his cross examination admits that when a caste certificate is asked, the Management wants to ascertain that the benefits which are required to be given as per the Government directive are given to that particular Caste holder. It is obvious because of the wrong presentation by the workman that he belongs to S.C./S.T. category, the eligible candidate from that category could not get the job. Obviously this action of the workman is of a serious nature. The punishment which is awarded to him is proportionate.

6. There is no record to show that in a similar circumstances the Management had taken a different attitude. The record speaks that attenders job in the Bank under the reserved quota for SC/ST was offered to the workman as he declared that he belongs to SC community. Accordingly he filed his application for employment (OG-85) and submitted altered School Leaving Certificate as well as a certificate issued by a Gram Panchayat, Terani where he added a word. That speaks that he is not innocent. I therefore, find that the punishment which is awarded is perfectly legal and justified. The workman is not entitled to any reliefs. I record my findings on the issues accordingly and pass the following Order:

ORDER

The action of the Management of Syndicate Bank, Mumbai in terminating the services of M. B. Lohar with effect from 30-4-93 is legal and justified.

S. B. PANSE, Presiding Officer

नई दिल्ली, 26 अगस्त, 1999

का.आ. 2727 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विजय बैंक के प्रबंधन के संबंध नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-8-99 को प्राप्त हुआ था।

[सं. एन-12012/358/91—आई आर (बी-II)]

मी. गंगाधरन, डैपक अधिकारी

New Delhi, the 26th August, 1999

S.O. 2727.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of

the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Vijaya Bank and their workman, which was received by the Central Government on 24-08-99.

[No. L-12012/358/91-IR(B-II)]

C. GANGADHARAN, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated, 16th August, 1999

PRESENT :

Justice R. Ramakrishna, Presiding Officer.

C. R. No. 35/92

I PARTY :

x

The General Secretary,
Dharwad District Bank Employees
Association, No. 9,
Corporation Building, Broadway,
Hubli-580 020.

II PARTY :

The Divisional Manager,
Vijaya Bank,
Divisional Office,
P.B. No. 17,
Hubli-580 020.

AWARD

1. The Central Government by exercising the powers conferred by Clause (d) of Sub-section (1) and Sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-12012/358/91-IR(B. II) dated 27-03-92 for adjudication on the following schedule.

SCHEDULE

"Whether the management of Vijaya Bank, Divisional Office, Hubli is justified in recovering Rs. 20,000 from Sri Ratnakar Hegde the workman because of the shortage of Rs. 20,000 while handling cash on 29-06-89? If not, to what relief the workman is entitled to?"

2. The concerned workman is Sri Ratnakar Hegde. The I party association has espoused the cause of this workman. Mr. Hegde joined the services of the II party bank on 06-08-77 as a Sub-staff. During 1981 he was promoted to the Cadre of Clerk. At present he is working as an Officer at Pune Branch of the II party.

3. On 28-06-89, he was working at Hubli Branch. As the regular cashier has not attended the duty Mr. Hegde was entrusted work of the Cashier. After taking the cash he attended to the Cash transaction and in the evening he has handed back the Balance

of cash and the keys of the cash box to the concerned officers of whom this responsibility was vested by the management. Everything was in Order.

4. On 29-06-89, Mr. Hegde reported for duty at 10.30 a.m. At 10.40 a.m. it is found that the regular cashier has not reported for duty. Then the concerned officers of the Cash section deputed Mr. Hegde to work as a Cashier on that day. Mr. Hegde assumed the charge after 10.40 a.m. since the customers are waiting for the cash transaction on the persuasion of the concerned officials. Mr. Hegde took the cash from the cash box and started transaction. After lunch, when the Cash transaction was over he calculated the possession of the cash and found Rs. 20,000 missing. According to him Rs. 10,000 of 100 denominations was soiled and out notes. Another packet containing Rs. 10,000 of the same denomination was presumably correct currency. The Management made all efforts to trace out the missing cash of Rs. 20,000 but they are not successful. As per the Circular 21/83 dated 24-01-83, certain guidelines are given to take actions in the case of Cash shortage. One of the provision in this circular is that if the shortage is made good by the concerned Cashier on the very same day, and if the element of mischief is not present, no action need to be taken against the Cashier. If he fails to make good the shortage he may be kept under suspension and he can also be made over to the police after giving a complaint. Mr. Hegde to get over these Harsh procedures has managed to barrow by his colleagues in the bank and made good that amount. He specifically requested the manager to give Police complaint, but the same was not given. On his written representation after about 3 weeks a Police Complaint was given. The Police who investigated the matter are not successful in tracing the money and therefore they have filed 'C' report before the Magistrate which was not challenged by the Management.

5. Therefore the contention of Mr. Hegde is that due to the fact that he was incharge Cashier after 10.40 a.m. and also due to the fact, that many customers were waiting, counting of the currencies were dispensed and whatever the Cash available was taken to the Cashier table and therefore some mischief has been done by some of the workman to take the advantage of this situation, therefore he cannot be held as responsible for losing Rs. 20,000 either by his negligent act or by deliberate act. Therefore, he prayed that he is entitled to get the refund of the amount paid by him with interest.

6. The II party have filed their objections statement.

7. Factually they have not disputed almost all the averments made by the I party. Their contention appears to be that Mr. Hegde being the Official who worked as a Cashier and any shortage in cash is personally held responsible. They have also relied on a circular, stated above, to justify their action in collecting the money from Mr. Hegde.

8. They have also raised a preliminary objection that the present dispute is not an Industrial Dispute and the I party Union are incompetent to raise an Industrial Dispute as it was not supported by the

majority of the workman to raise this dispute and therefore the association had no legal authority to espouse.

9. At the initial stage of the case this Tribunal has considered the necessity to frame an additional issue as it regards to the preliminary objection taken by the II party, as it relates to the competency of the association to raise this dispute. This Tribunal by a considered Order dated 20-11-97 refused to frame the additional issue as it relates to jurisdiction. Since this order is not questioned by the II party before any other forum, the Order has become final. Therefore the jurisdictional issue does not require any re-appreciation. Therefore the parties are asked to lead the evidence as per the Schedule to the reference.

10. The II party examined a Senior Manager (Personnel) to justify the action of the management. This witness has stated that during 1989 he was working as a Branch Manager at Hubli, where Mr. Hegde was working as a Clerk. On 28-6-89 Mr. Hegde worked as a Leave Reserve Cashier. On 29-6-89 he was asked to work as a Leave Reserve Cashier, as the regular Cashier was on leave. At about 4.30 p.m. he came to know that there was shortage of Rs. 20,000 in the cash. He requested all the Officials to help in tracing the missing cash. When he made enquiry to Mr. Hegde he was not able to give any satisfactory reply. Mr. Hegde volunteered to make good the shortage. After sometime the shortage was made good and the account was closed.

11. He has further stated that disciplinary proceedings are not initiated as he made good the shortage. It is his further evidence that they have not given any Police complaint against this workman as he was made good the shortage. Later at the insistence of Hegde, as he suspected the involvement of some body inside the Bank, he gave a Police complaint. Police are not successful in detecting the shortage.

12. In a cross-examination when a question was asked to this witness that on 28-6-89 Mr. Hegde after close of the transaction handed over the key, this witness answered on that day one Shri Saliana and MSB Shetty are concerned officers and joint custodians of the cash. He has admitted that on 29-6-89 Mr. Hegde was directed to work as a leave reserve cashier after 10.40 a.m. he has denied the suggestion that since it was 10.40 a.m. Mr. Hegde was advised not to take the cash after counting. He has also expressed his ignorance as it relates to the denomination of the notes in Rs. 20,000.00. He has accepted the fact that on the very same day Mr. Hegde has requested to give a police complaint. He has denied that the request of Mr. Hegde to give a police complaint by himself was not granted. He also shown his ignorance whether the request of Mr. Hegde to recover the shortage from insurance department was acted upon, as the representation was sent to higher authorities. At present the I party is working as an officer.

13. This workman gave evidence, that on 28-6-89 he worked as leave reserve cash clerk and after closing all the business he handed over the balance of

cash and the key of the cash box to P. K. Saliana the concerned officer.

14. On 29-6-89 he started working in loans department. At 10.45 a.m. he was directed to work as a leave reserve cashier. He went to the officer and took charge. Thereafter he opened the cash box and started the transaction. The usual practice is to take the cash after counting. Since the time was 10.45 and there was heavy rush in the bank the officer informed him to start his work giving up counting of the cash. He closed the cash transaction by about 3.30 p.m. Then he came to know the shortage of Rs. 20,000. He checked and rechecked and thereafter reported the matter to concerned officer. He came to know that the denomination of the missing cash is Rs. 100 pieces. He came to know that on the previous day these two bundles missing of Rs. 10,000 kept in the cash box and these two bundles missing. Since the officer asked him to make good of the shortage he managed to get the money from his colleagues and made good. Immediately he insisted the officer to lodge a police complaint. Later he gave his written representation and also asked permission to file a complaint in his individual capacity. But such permission was not given to him. He also gave a request letter to claim the loss by the insurance company. He does not know the result before the insurance department.

15. If we legally treat the evidence placed by the parties it is crystal clear that Mr. Hegde was not allowed to count the cash before he commenced the transaction of a cashier. Admittedly Mr. Saliana and another Shetty were the officers concerned to the cash transaction. None of these witnesses are examined. If one of these witnesses were examined the real truth would have been detected. Evidence of MW 1 is not a direct evidence, it is only a information he has received, only with regard to missing of Rs. 20,000. The II party also not explained why they did not give a police complaint immediately when this workman has insisted to give a complaint. The complaint was given 3 weeks after the incidence and naturally the police were not able to detect the missing. There is also no evidence whether the management made claim to the insurance department and its result. There is also no evidence why they have not made any claim to the insurance and the reason thereof. I recorded the evidence of these witnesses and I have noticed the demeanour of the witnesses and also satisfied, that this workman is telling the truth before the court. Since the management has not given a police complaint immediately they have to blame themselves. When the workman made insistence to give a police complaint why the management have failed to give a police complaint is a mystery.

16. It is true Ex. M-1 is a circular where the procedures are laid down in case of cash shortage/cash theft at the branches. I am not going to high light the clauses contained in Ex. M-1, as factually the workman has proved that he cannot be responsible for shortage of cash. The circumstances under which this workman was asked to work as an incharge cashier at late hour is a fact which finds a legal corroboration that the workman was deprived of counting the notes before he takes charge of the cashier.

17. Having regard to these facts and circumstances it is crystal clear that Mr. Hegde is not in any way responsible for the shortage of cash. Therefore the following order is inevitable :

ORDER

The management of Vijaya Bank, Divisional Officer, Hubli are not justified in recovering Rs. 20,000 from Shri Rathnakar Hegde. The management are hereby directed to refund Rs. 20,000 to this workman immediately. If the management fail to return this amount of Rs. 20,000 within 45 days from the date of this award. The amount of Rs. 20,000 will carry interest at the bank rate from the date of this reference till the payment.

JUSTICE R. RAMAKRISHNA, Presiding Officer.

नई दिल्ली, 26 अगस्त, 1999

का.आ. 2728:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधन के संबंध में निम्नलिखित निर्णयों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-8-99 प्राप्त हुआ था।

[सं. एल-12012/412/95-आई आर (बी-II)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 26th August 1999

S.O. 2728.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 24-8-99.

[No. L-12012/412/95-IR(B II)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated, 13th August, 1999

PRESENT :

C. R. No. 195/97

Justice R. Ramakrishna, Presiding Officer.

I PARTY

Sri B. Satish Chandra,
S/o Sri Ratnappa,
H. No. 117, I Phase,
Adarshnagar,
Gulbarga Dist.

II PARTY

The Dy. General Manager,
Syndicate Bank,
Zonal Office,
Ballabagh,
Mangalore-575001.

AWARD

1. The Central Government by exercising the powers conferred by Clause (d) of Sub-section (1) and Sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-12012/412/95-IR (B-II) dated 10-2-97 for adjudication on the following schedule.

SCHEDULE

"Whether the action of management of Syndicate Bank, Zonal Office, Mangalore in dismissing the services of Shri B. Satishchandra w.e.f. 21-3-91 is legal and justified? If not, to what relief the workman is entitled?"

2. The I party was appointed as a Clerk in the year 1981. He was initially posted to work at Yadgiri branch from 23-11-81 to 2-1-89. He was also deputed to work at Aland branch during the period 6-9-86 to 6-12-86. The management was able to detect that this workman while working at Aland branch he has discounted 13 cheques drawn on his account though he was aware that he did not have sufficient Balance to meet the cheques. He has also made fictitious entries with management also examined witnesses and independently proved the allegations. Therefore the contention of the II party is that the I party has not maintained the honesty and integrity and therefore the bank has lost confidence. In view of the above the order of dismissal does not require any reconsideration.

8. Smt. Sarvamangala the learned Advocate for the II party has submitted that the I party who has been appointed in the year 1981 has ventured to committing misconducts within short period. He has not completed even two years and therefore his mental faculty is a clear proof that the I party is unworthy to work in a bank which is the custodian of public money where an absolute integrity is one of the principle applies to the workman.

9. The I party has remained absent continuously and it is also the case in respect of his advocate. In fact this Tribunal has made attempt to impose any lesser punishment on the proved misconduct. The I party in his claim statement has not come up with open mind in narrating the facts of the case. Supersessions of facts and claiming to be honest does not work unless one is true in showing such aspects.

10. Since the allegation of misconduct are proved and there is no material to come to a conclusion that the order of the enquiry officer is perverse, this court having limited jurisdiction to reappraise the evidence recorded before the Enquiry Officer, the report is to be accepted without any reservations. Once this court holds that the Domestic Enquiry was conducted in fairness and the report of the Enquiry Officer is not a perverse order, then, the only fact that can be examined is the adequacy of punishment imposed to the proved misconduct and whether it is shockingly disproportionate. Since the misconduct is grave in nature and this workman has committed this misconduct of the earliest stage of his tenure, it is but natural for the management to lose faith against his integrity.

11. Having regards to these facts and circumstances the following Order is made :

ORDER

12. The II party are justified in dismissing the service of this workman and the said order does not call for any interference. The reference is answered accordingly.

JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली, 26 अगस्त, 1999

का.आ. 2729:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एल.आई.सी. आफ इंडिया के प्रबंधन के संबंध में निम्नलिखित निर्णयों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण

बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-8-99 प्राप्त हुआ था।

[सं. एल-17011/21/89-आई आर (बी-II)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 26th August, 1999

S.O. 2729.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 24-8-99.

[No. L-17011/21/89-IR(B-II)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated : 16-3-1999

PRESENT :

Justice R. Ramakrishna, Presiding Officer.

C. R. No. 95/89

I PARTY

Shri G. S. Joshi,
C/o Anant P. Savadi,
II Block, III Floor,
Supermarket,
Hubli.

II PARTY

Divisional Manager,
L.I.C. of India,
Amrut Prakash,
P.B. No. 43,
Raichur.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-17011/21/89-IR(B-II), dated 20-12-1989 on the following schedule :

SCHEDULE

"Whether the action of the management of LIC of India, Raichur in terminating the services of Shri G. S. Joshi, Probationary Development Officer w.e.f. 15-6-87 without any notice, is justified? If not, to what relief the workman concerned is entitled?"

2. The first party was appointed as a Development Officer on probation by a letter of appointment dated 28-7-1986. Clause 2 of the said order of appointment reads as under :—

"Probationary period :

You shall be on probation initially for a period of 12 months from the date of your joining duty as a probationer, but the Corporation may, at its sole discretion, extend your probationary period, provided that the total probationary period including the extended probationary period shall not exceed 24 months, counted from the commencement of the probationary appointment. During the probationary period (which includes the extended probationary period, if applicable) you shall be liable to be discharged from service of the Corporation, without any notice and without any cause being shown".

3. Clause 11 referred to confirmation and increment which is as follows :—

"On your satisfactorily completing the period of probation and your observance and compliance with all conditions set out in this letter of appointment you will be confirmed in the service of the Corporation in Class II. Your confirmation will depend inter-alia upon the fulfilment of the minimum business guarantee set out in para 10 above and upon your record of past sales services to the Corporation's Policyholders and other functions performed by you in the area allotted to you, to the satisfaction of the competent Authority".

4. The first party in his claim statement has contended that he was surprised to note that without issuing any show cause notice, without conducting any enquiry without paying retrenchment compensation he was illegally terminated by the second party by an order dated 15-6-1987. Therefore, his prayer is that this Tribunal shall declare that the order of termination is illegal and he is eligible for reinstatement and back wages.

5. The second party have contended that in terms of the appointment letter, the first party had to secure a minimum business of Rs. 26 lakhs, premium income of not less than Rs. 65.00 and if the pay and/or allowances are increased during the probationary period, the minimum business and the premium income which he should secure shall be increased proportionately. The required target is as follows :—

(a) Minimum completed new business—Rs. 35 lakhs.

(b) Scheduled first year premium—Rs. 95,000.

(c) Minimum number of lives—170.

(d) Number of agents to be recruited—20.

(e) Number of agents to be qualified—10.

6. However, the performance of the first party was as follows :—

(a) Minimum completed new business—Rs. 24,17 lakhs.

(b) Scheduled first year premium—Rs. 75,675.14

(c) Minimum number of lives—159.

(d) Minimum number of agents to be recruited—17.

and

(e) Number of agents to be qualified—5.

7. In spite of continuous advice from the Branch Manager, the first party has not improved his work. Consequent target and also did not fulfil the minimum business guarantee, his service was terminated with effect from 15-6-1987.

8. The second party further contended apart from this stipulated clauses in the letter of appointment, regulation 14(4) of the Staff Regulations, governing the employees of the LIC provides that during the period of probation an employee shall be liable to be discharged from service without any notice. Therefore, the contention of the second party is that the discharge of this workman does not amount to retrenchment and industrial dispute act to this extent is not applicable.

9. This tribunal, having regard to the fact that the scope for framing any additional issue is limited directed both the parties to lead their evidence on the schedule to the reference. The second party to justify their action examined one witness as MW1 on 21-12-92. The first party examined himself on 24-1-94. The records speaks that a simple question of this nature is languishing in this tribunal from 8 years.

10. The evidence of these two witnesses reflects what is stated in the pleadings, it does not lead to any ambiguity. Therefore, we have to rely on the documents and declared law on this point.

11. Ex. M2 is an appointment order, under Clause II a Development Officer appointed as an apprentice shall be on probation initially for a period of 12 months which can be extended for another 12 months in the discretion of the Corporation. But it shall not exceed 24 months on the whole. Clause 10 prescribes the minimum business which is a target to be achieved during the probationary period. Ex. M3, revised target for the confirmation of service shows that the confirmation of this workman is depended on the fulfilling the target.

12. Admittedly this workman has not achieved the business to fulfil the target given to him during the first 12 years of probation, the second party terminated his service exercising the power under Regulation 14 of the Life Insurance Corporation of India (Staff) Regulations, 1960.

13. Shri MVS, the Learned Advocate for the Corporation has relied on a judgement of the Supreme Court of India in *M. Venugopal V/s. Divisional Manager, LIC of India* reported in AIR 1994 Supreme Court 1333. The reliance is placed on this judgement by the learned advocate covers 2 aspects of the matter :-

14. The first aspect is that the corporation has a statutory authority to terminate the services of a workman during the period of probation without any notice. His second point is that any action taken by the Corporation in respect of their probationer does not attract the provisions of Industrial Disputes Act, 1947 to hold that such termination amounts to retrenchment. This judgement is directed on the point. The above judgement is allowed subsequently in *LIC of India and another V/s. Shri Raghavendra Seshagiri Rao Kulkarni*. This is also the view taken by the High Court of Karnataka *LIC of India & Anr. V s. Chidambaravilasa R. Yerekuppi*.

15. Since the law is settled on this point, the action of the management does not call for any interference. In the result I make the following order :-

ORDER

The action of the management in terminating the services of Shri G. S. Joshi was legally justified. The reference is answered accordingly.

Justice R. RAMAKRISHNA, Presiding Officer

नई दिल्ली, 26 अगस्त, 1999

का.अ. 2730:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एल.आई.सी. आफ इंडिया के प्रबंधन के संवद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II, मुंबई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-8-99 को प्राप्त हुआ था।

[सं. एल-17012/24/97-आई आर (बी-II)]

सं. गंगाधरन, डेस्क अधिकारी

New Delhi, the 26th August, 1999

S.O. 2730.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. II, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 24-8-99.

[No. L-17012/24/97-IR(B-II)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II MUMBAI

PRESENT :

Shri S. B. Panse, Presiding Officer.

REFERENCE NO. CGIT-2/39 of 1998

Employers in relation to the management of Life Insurance Corporation of India

The Executive Director, L.I.C. of India, Central office, 'Yogakshema', Jeevan Bima Marg, Mumbai-400021.

AND

Their Workman

Sh. Jeetendra C. Savla, B/201, Anurag Mansion, Shiv-Vallabh Road, Ashok Van, Dahisar (East) Mumbai-400 068.

APPEARANCES :

For the employer : Mr. Y. Ramachandran Advocate.

For the workman : Mr. M. B. Anchan, Advocate.

Mumbai, dated the 3rd August, 1999

AWARD-PART-I

The Government of India, Ministry of Labour, by its Order No. L-17012/24/97-IR (B-II), dated 31st March, 1998 had referred to the following Industrial Dispute for adjudication.

"Whether the action of the management of Life Insurance Corpn. of India in removing Sh. Jeetendra C. Savla from services w.e.f. 21-1-95 is legal and justified? If not, to what relief the said workman is entitled to?"

2. Jeetendra C. Savla (hereinafter referred to as Workman) was appointed by L.I.C. (herein after referred to as the management) as an Assistant on 11-12-90.

3. From the pleadings and from the evidence the admitted facts can be summarised as follows :—

The workman was posted initially in O. S Department of Yogakshema Building of the Management. Thereafter, he was transferred to F&A Department of the management. On 22-7-93, an episode took place in the workman's department at Yogakshema Building in the morning. On the basis of the incident the workman was suspended and later on chargesheeted. It was alleged that due to his actions namely assaulting and injuring the other employees disturbed the peace and tranquillity of the finance and accounts department of the Central Office, failed to abide the instructions of the superiors, have committed acts prejudicial to the

good conduct violating thereby the provisions of regulations 21 & 39 (I) of the LIC of India (Safai regulations, 1960)

4. On the basis of the said chargesheet a domestic inquiry was conducted against the workman. He represented for shifting of the enquiry place from Yogakshema Building to other place. The management did not accept the demand. The worker remained absent for the inquiry. The Inquiry Officer conducted the inquiry ex parte and submitted his report. He found the workman guilty of the charges levelled against him. The disciplinary authority accepted the report and awarded a punishment of removal of workman from the service after giving him show cause notice. The appeal preferred by the workman was rejected.

5. The workman in his Statement of Claim (Exhibit-5) contended that the domestic inquiry which was held against him was against the Principles of Natural Justice. He among other grounds pleaded that it is so because :—

- A. The holding of the inquiry ex-parte;
- B. The reliability of the evidence tendered before the Enquiry Officer;
- C. Reduction in Subsistence Allowance;
- D. Nonapplication of mind by the Enquiry Officer to the Written Arguments submitted by the workman;
- E. Non-supply by the Enquiry Officer of the documents asked for in the Written Arguments;
- F. Non-application of mind by the disciplinary and appellate authorities;
- G. The Enquiry Officers action in allowing evidence of Management witnesses who were not listed in the list of Management witnesses, and
- H. Failure of the disciplinary authority to furnish copy of the Enquiry report before the issue of show cause notice.

6. The workman averred that the findings of the enquiry officer are perverse. The enquiry officer did not consider the Written Argument submitted by him in its proper prospective. It is pleaded that the contradictions of the witnesses interse were not considered by the Enquiry Officer and had come to the wrong conclusion. It is averred that the findings are perverse.

7. The workman pleaded that even assuming without admitting that there was a misconduct on his part the punishment of removal from service awarded is very harsh, discriminatory and highly disproportionate to the alleged misconduct. He prayed that under such circumstances his removal from the service may be set aside and he may be reinstated in the services with full back wages and all consequential benefits and continuity of service.

8. The management resisted the claim by their Written Statement (Exhibit-7). It is denied that the domestic inquiry which was held against the workman was against the Principles of Natural Justice. It is pleaded that full opportunity was given to the workman in the inquiry. The suspension allowance was reduced to 1/4th of the salary as per the rules. It is contended that the Inquiry Officer had rightly appreciated the evidence before him and had given reasoned report. It is averred that the disciplinary authority accepted the report and had properly awarded the punishment. It is denied that the punishment which is awarded to the workman is disproportionate to the charges proved. It denied all other contentions taken by the workman against the management. The management pleaded that the workman is not entitled to any of the reliefs.

9. The workman filed a Rejoinder at Exhibit-8 and reiterated the contentions taken by him in the claim statement. He denied the contentions taken by the management which are contrary to his claim. He prayed for the same reliefs.

10. The issues are framed at Exhibit-9. Issues Nos. 1 & 2 are tried as preliminary issues. The issues and my findings thereon are as follows :—

Issues	Findings
1. Whether the domestic inquiry in the nega- which was conducted against tive the workman is against the Prin- ciples of Natural Justice ?	
2. Whether the findings of the in- in the ne- quiry officer are perverse? gative.	

REASONS

11. To bolster up the case the workman deposed at Exhibit-12 and relied upon the documents which are produced by him alongwith Exhibit-11 and that of management at Exhibit-10. As against that the management examined one P. V. Bhaskaran (Ex-125) Dy. Secretary Legal to prove certain correspondence and the documents. The parties filed the Written Arguments on the record.

12. Jeetendra Savla (Ex-12) has filed a very detailed affidavit by way of Examination-in-Chief. It pertains to the factual position viz., the alleged incident. It is, therefore, the management was asked to cross-examine the witness in respect of issues Nos. 1 & 2 only, as they are treated as preliminary issues

13. The workman was served with a chargesheet (Ex-35) dtd. 5-8-93. It reads :—

“YOU, Shri Jeetendra Chunilal Savla, Assistant, S. R. No. 438647, Finance & Accounts Department, Central Office, are hereby charged as under :

THAT, around 11 hours on 22nd July, 1993 Shri A. D. Nene, Admn. Officer, F&A Department, requested you to part with the calculator which was in your possession, as the same was required by another assistant working in F&A Depart-

ment of Central Office. After initial hesitation on your part, when Shri Nene again requested, you agreed to part with the calculator on the condition that the ass.san. requiring it would return the same after one hour. Thereafter you suddenly got up and caught hold of the collar of the abito of Sh. Nene, gave him a blow on his face near the nose and assaulted him in the presence of other staff members in the department. Since Shri A. S. Kambli, Record Clerk in the department was by passing at the relevant time, he rushed to the scene to prevent you from doing further damages and separated you from Shri A.D. Nene. When Shri Kambli was trying to pacify you, you also hit him on his face. This led Shri Hande, a sub-staff in the department, to intervene and to take you away from the scene. One Shri Nene occupied his seat you again lost your temper without any provocation from anybody and by rushing at him pulled him out of his seat, pushed him down, inflicting some further injuries on him.

THAT, upon his being requested by Shri A.S. Kambli a Record Clerk and other staff members of the department, Shri Shantaram Chavan, Assistant, E.D.P. Department, Bombay Divisional Office and a trade union worker, came and tried to pacify you. However, you ran towards the telephone stand near the table of Mrs. Billimoria, Administrative Officer in the department took the water bottle lying there and broke the same by hitting it on the table of Mrs. Billimoria with an intention to hit Shri Shantaram Chavan with the same, and tried to hit him in his stomach with the broken bottle. Shri D. A. Bhalekar, Record clerk in the department and other staff members intervened to save Shri Chavan from your attack and in the process both Shri D. A. Bhalekar and Shri Shantaram Chavan were badly injured by you with the broken bottle.

THAT, you have by your aforesaid actions, assaulted and injured Shri A. D. Nene, A.A.O., Shri A. S. Kambli, Record Clerk, Shri D. A. Bhalekar, Record clerk, all working in the Finance & Accounts Department of the Central Office. You have also caused injuries to Shri Shantaram Chavan, Assistant EDP Deptt. of Bombay Division, you have in the process disturbed the peace and tranquillity of the Finance and Accounts Department of the Central Office, failed to abide by the instructions of your superiors, have committed acts prejudicial to good conduct, violating thereby the provisions of Regulation 21 and 39(1) of L.I.C. of India (staff) Regulations, 1960.

A provisional list of documents by which and a provisional list of witnesses through

whom, the aforesaid charges are sought to be sustained, are enclosed (vide Annexure 'A' and 'B' to the chargesheet).

HOWEVER, before proceeding further in the matter you are hereby directed to state in writing whether you admit the charges mentioned herein above. In case you admit the charges a statement of admission and in the event of your denying the charges a statement of denial together with a list of documents by which and a list of witnesses through whom you propose to defend your case may be submitted within 10 days from the date of receipt of this chargesheet. If no reply is received within the stipulated period or if the reply received is found unsatisfactory, further action shall be initiated which please note.

14. It is not in dispute that the worker received the chargesheet. In fact the chargesheet was sent to the workman by Registered Post Acknowledgement due on his own address which came back with an endorsement "Intimation sent on 19-8-93". This appears to be a common endorsement by the postman in his usual course of duty. It is not the case of the workman that he had a dispute with the postman and the endorsement is managed one. It can be seen that this is not a notice to create a false evidence. The chargesheet has to be given to the workman for conducting the departmental inquiry. The contention that the workman did not claim the same appears to be correct for the reasons stated above.

15. The management appointed one Badle as the inquiry officer (Exhibit-37). This was also informed to the worker. It is pertinent to note that by the suspension order (Exhibit-38) the workman was not allowed to enter the Yogakshema Building, but later on the disciplinary authority by its order dtd. 12-10-93 (Ex-40) allowed entry of workman to attend the inquiry in Yogakshema Building.

16. The workman by his letters Exhibit-49, 50, 52, 53, 55, 62, 15, 16, 17, 70 informed the management and the Inquiry Officer to shift the place of inquiry as it is not safe to his life to enter into Yogakshema Building for the enquiry. But the corporation management did not accept the request. Ultimately, the workman did not remain present at the time of inquiry. He therefore contended that as the place was not shifted which was prejudicial to him and hence the inquiry is against the Principles of Natural Justice.

17. After receiving the chargesheet, the workman filed a Writ Petition in the High Court of Bombay Bearing No. 405 of 1994. His contention was that as a criminal case is filed by him and against him, the domestic inquiry need not be conducted in respect of the same incident till the decision of the criminal case. The Writ Petition came before Their Lordship for admission but it was allowed to be withdrawn on the application of counsel of the Petitioner (Exhibit-89).

18. The Corporation was represented by Advocate M/s. Little & Co. The company by its letter dtd.

9-3-94 informed the corporation that while dismissing their Writ Petition Their Lordships of the High Court had directed the Corporation to provide security to the petitioner at the time of holding the departmental inquiry. Such a direction does not find place in the written order of Their Lordship. These directions were oral, and they were communicated to Corporation. The Corporation after receipt of the same informed the workman accordingly. Bhaskaran deposed to that effect. Not only that the management issued letter to the security department to that effect. It is tried to submit on behalf of the workman that no such direction was given. I am not ready to accept this. It is because the company had categorically informed to the Corporation regarding happening of the events before Their Lordships in their letter and further more the advocate for the workman was also informed that the Corporation is informed to that effect. It cannot be said that it is by way of creation of evidence. It has to be presumed that the advocate who had informed the corporation and the Corporation on its basis acted and informed the worker must have taken place. Impliedly Their Lordships rejected the plea of the workman of shifting of venue from Yogakshema Building to any other place. As that prayer is rejected the contention of the workman that non-shifting of the venue of inquiry is against the Principles of Natural Justice is without any merit.

19. The workman in his written arguments submitted that the place of inquiry should be convenient to the management and the workman. It is tried to submit that it is not necessary that the place of inquiry should be the place of incidence. The inquiry place can be different from the place of incident. To support this contention he has placed on record that the management had shifted the inquiry place of an employee from one place of Goa and from Wai to Panjim and Satara respectively. This position is not in dispute. But in view of the High Courts oral direction I do not find any merit in this. Further more, as the management had given him security from the security guard of the management the fear in the mind of the workman is without any merit. It is tried to state that at the happening of the incidence the security official did not control the other employees and there are incidence that these security guards are not useful and sufficient because of the goondaism of other employers. He has narrated the incidents also. I do not think that helps him for not attending the inquiry. That position still continues even if the inquiry had taken place at any other place. It is pertinent to note that all the witnesses to the incident are from the same building. If the inquiry place would have been shifted to other place all the ten to twelve witnesses would have been required to leave the premises and go to other place causing the loss of work day. I do not find that non-shifting of the premises is against the Principles of Natural Justice.

20. The workman at one stage had requested for availing of service of legally trained persons to defend him. But it appears that he is not serious about it. He does not require an advocate to defend him because when the cross-examination of Bhaskaran the management witness was to be taken he filed an

application Ex-127 seeking permission of the Tribunal to cross-examine the witness personally as the matter is complicated. His advocate Mr. Anchan was on the record and was present on that day. He had no objection for cross-examining the management witness by the workman personally. That itself goes to show that there was no need for the workman to defend him by legally trained man. The Regulation 39 does not provide assistance of a legally trained person or a lawyer on the inquiry. The request was made by the workman to prolong the inquiry only. That has not caused any prejudice to the workman.

21. The workman alleged that he has not paid the subsistence allowance properly and the reduction was made arbitrarily. As that is so the domestic inquiry which was held against him was against the Principles of Natural Justice. Regulation 37 of the Staff Regulations deals with subsistence allowance. The said Regulation provides vide clause (a) that where the inquiry is domestic the quantum of subsistence allowance shall be, for the first 90 days of suspension, 50 per cent of the salary which the employees would have drawn and thereafter 75 per cent provided that there such inquiry is prolonged beyond a period of 90 days for reasons directly attributable to the employee, the subsistence allowance shall for the period exceeding 90 days, be reduced to 1/4th of such salary.

22. In the instant case, the workman was placed under suspension w.e.f. 22-7-1993 (Exhibit-36). Shri S. V. Mankar was appointed as the Inquiry Officer in place of Shri S. L. Budke who had been transferred. It was by order dtd. 10-11-93 (Exhibit-44). Shri Mankar held that preliminary hearing on 4-1-1994 whereas owing to the non-cooperative attitude of the workman by not participation in the inquiry the inquiry could commence and continue, *ex parte*, only from 31-5-1994 (Ex-69). It was under these circumstances the subsistence allowance paid to the workman had to be reduced in terms of Regulation 37 of the (staff) Regulations, w.e.f. 7-5-1994 i.e. well over the period of 90 days from even the date of preliminary hearing. The workman was throughout being paid subsistence allowance in accordance with the statutory rules.

23. The workman alleged that there is non-application of the written arguments filed by him by the inquiry officer and the inquiry officer did not supply the documents mentioned there in. So far as the supply of documents are concerned it is to be seen that the management placed on record the documents which it relied when the chargesheet was issued to the workman. The workman did not participate in the inquiry. He demanded the documents after the evidence was over. He had not shown what are its relevances, simply making a request in the written argument for some documents and denial of it does not support the case of the workman that he is prejudiced. I find that this contention is taken only for the sake of contention. It has no merit.

24. The workman contended that the disciplinary authority and the Appellate authority had not considered the evidence in its proper perspective. The submissions which he made before them were not considered at all. This is a common ground. It can be

seen that it is a settled position that when the D. A. is concurring with the findings arrived by the Inquiry officer it is not necessary to write a detailed order by discussion the entire evidence. After perusal of the orders of the D. A. and the A. A. I find the orders are speaking one. I do not find any illegality in the same. The submissions which are made by the workman are the same which he made before the inquiry officer in his written argument, before the D. A. and the A.A.

24. The workman affirmed that Mr. S. B. Salim and Mrs. V. R. Vaidya who were not listed as witnesses by the management had been called to give evidence which is said to be against the law allied down by the courts. Infact in the chargesheet which was supplied to the workman it was mentioned therein that the list of the documents and the list of management witnesses are only provisional. If this list is provisional then there was nothing wrong by the management for examining additional witnesses. No prejudice is caused to the workman. Further more even if a list is not given to the workman while issuing the chargesheet it is held by Their Lordships that it is not fatal to the inquiry (*Amar Dye Chemicals Vs. M. R. Bhope and Ors.* 1994 (1) LLN 635).

25. The workman affirmed that he must be furnished with the inquiry report alongwith the show cause notice. It is not done therefore it has violated the Principles of Natural Justice. It is tried to argue on behalf of the management that non-furnishing of the inquiry report before the issue of show cause notice is not by itself fatal to the inquiry. What is to be seen what actual prejudice is caused to the employee by non supply of the inquiry report. The workman has to show what prejudice was caused to him. Here the workman had not pointed out what is the prejudice which is caused to him for non supply of the inquiry report before the show cause notice. He did receive the report and he has made submissions later on pertaining to inquiry report. It can be further seen that the point of non supply of inquiry report have made a difference to the result in the case then only the Tribunal can set aside the order of punishment and not in any other cases.

26. It is well settled principle that "It (the Labour Court) can interfere with the findings of the domestic inquiry only if those findings either was based on no evidence at all or are perverse. From this point of view, it will not be within the competence of the Labour Court to enquire whether a particular witness has been rightly believed or not, or whether a particular finding was supported by sufficient evidence. It cannot interfere with the conclusions of facts recorded in the domestic inquiry, however erroneous those conclusions may appear to be to the Labour Court. The evidence may be unsatisfactory; the decision may appear doubtful because the appreciation and analysis of the evidence is not proper. The process of reasoning in arriving at a conclusion of question of fact may on investigation or examination appear unappealing. On these or similar grounds an authority having power to hear an appeal on facts alone can interfere. These grounds do not make the decision perverse. A decision can be condemned as perverse if it is impelled by arbitrariness or prejudice or if it is such that to a

judicial mind it appears that no rational or reasonable person could demonstrably reach that conclusion. Perversity in a recorded finding is a matter of objective determination."

27. The workman in his written argument at many places had given details to show that the evidence before the Inquiry Officer was not properly appreciated by the inquiry officer, the witnesses have contradicted each other and therefore, the findings are perverse. From the Written Argument it appears to me that he has lost the sight between the proof in criminal proceedings and in a domestic inquiry. In a disciplinary inquiry, the strict proof of legal evidence and findings are not relevant. Adequacy of evidence or reliability of evidence cannot be permitted to be sanctioned before the Tribunal (*B. C. Chaturvedi Vs. Union of India* 1997 4 LLN 65).

28. It can be further seen that in a domestic inquiry what is to be seen is whether the charges levelled are proved on preponderance of probabilities. It is not necessary that the management has to prove the charges beyond reasonable doubt which is required to be proved in a criminal proceeding. On this background it is to be seen whether the findings of the inquiry officer are perverse.

29. The inquiry report is at Exhibit-73. The inquiry officer has analysed the evidence before him and has come to the conclusion that the charges are proved. One may say that there is no detailed discussion for analysing the evidence but at the same time it cannot be said that the inquiry officer had not considered the evidence before him. I find that his findings are supported with the evidence before him.

30. T. S. Naanboodri, A. D. Nene, Mrs. K. B. Billimoria D. A. Bhalekar, J. G. Hande, A. S. Kamble, and Shantaram Chouhan are the employees working in the building and the department where the incident took place on 22-7-93. They corroborates each other on main points viz, the workman assaulted Nene, Kamble and Bhalekar and Chouhan. The first three were working in the P&A Department and the last one was working in A.D.F. Department. No doubt there are some contradictions between the testimony of these witnesses. But that does not take out the happening of the events there. Nene deposed that he asked for a calculator from the worker for which he felt offended and beat him. Admittedly Nene is his superior, the worker did not follow the orders of Nene and violated the provisions of regulation of L.I.C. It can be further seen that there was a representation of staff members dtd. 23-7-93 that is exactly on the next day of incident expressing their unhappiness over the conduct of the workman. This representation was proved by Motwani, Parab, Salim and Mrs. Vaidya. That goes to prove the charge of disturbance of peace and tranquility in the department.

31. Nene affirmed that when he sustained injury by the hands of the workman, he approached Dr. Hirandani, who sits in the same building and obtained a certificate from him. This certificate is undated. It is therefore, tried to argue on behalf of the workman that it is procured one and should not be relied upon. So far as the production of certificate is concerned

Nene has affirmed that it was given by Dr. Hiranandani after examining him. No doubt Dr. Hiranandani would have been a proper person to prove this document, but that does not mean that it is to be simply brushed aside because the testimony of Nene goes unchallenged. There was no reason for the inquiry officer to disbelieve the medical certificate which is on the record. In fact, there is no cross-examination of any of the management witness. Their testimony goes unchallenged. Therefore, the conclusions drawn by the inquiry officer has to be upheld.

32. It is the case of Shantaram Chouhan and Bhalekar that they were also injured at the time of the incident by the hands of the worker. But they have not produced medical certificate. Bhalekar has lodged a criminal complaint against the workman. I may mention it here that the complaint lodged by the workman and that of Bhalekar were compounded by them and the criminal cases were disposed off.

33. Chouhan affirmed that even though Dr. Hiranandani treated him he did not ask for medical certificate for him. If really the management, the union and the other staff according to workman are against him, then they would have managed to obtain a certificate from Dr. Hiranandani. I, therefore find that what is stated by Chouhan is true and correct.

34. It is tried to argue on behalf of the workman that there are no details of extent of injury, treatment taken in doctors certificate in respect of the witness Chouhan, Bhalekar and Kamble. Therefore it should not be relied upon. After going through the deposition of these witnesses before the inquiry officer, I find that they have narrated the injuries to them and so far as the medical certificates are concerned I have already stated above, Bhalekar gave a complaint to Cuffe Parade Police Station police thereafter sent him to St. George Hospital. The certificate was given to Cuffe Parade Police Station. It being a police record the certificate cannot be brought before the inquiry officer.

35. Nambodiri deposed in respect of injuries of Shelar, but Shelar is not examined. His name is also not found place in chargesheet as a person injured. Therefore it is tried to submit on behalf of the workman that the whole case is cooked up against him. At the most it can be said that reference to injury to Shelar may be rejected, but that does not mean that whole testimony of Nambodiri goes away. I repeat there is no cross-examination of these witnesses, therefore, whatever stated by them had to be accepted to be true one. The contradictions which are appearing there are of a negligible nature and they are to be brushed aside.

36. It is tried to argue on behalf of the workman that it is alleged that he broke a bottle and tried to injure these persons, but when the police came broken pieces of bottle were not found. Therefore, the theory that he beat by broken bottle is wrong. I am not inclined to accept it, because what is to be seen is what evidence is lead before the Inquiry officer. The evidence before the inquiry officer is beating and injuring these witnesses by the workman which I have discussed above. Use of the broken bottle weapon is to show

the nature of the injury but that point is not before the inquiry officer.

37. From the statement of claim and from the written argument before this Tribunal and also before the inquiry officer the workman had levelled charges against various persons of the management, Federation and organisation. That cannot be a point of issue while deciding these two issues. It is tried to submit that on that day he was mercilessly beaten by Chouhan and Bhalekar. They were free and no action is taken against them. This argument at the most can be agitated while considering the quantum of punishment. So far as the perversity of the findings of the inquiry officer are concerned it has no bearing. I, therefore, find that the findings of the inquiry officer are not perverse. In the result I record my findings on the issues accordingly and pass the following order :—

ORDER

The domestic inquiry which was held against the workman was as per the Principles of Natural Justice. The findings of the inquiry officer are not perverse.

S. B. PANSE, Presiding Officer

नई दिल्ली, 26 अगस्त, 1999

का.आ. 2731.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसरण में केन्द्रीय सरकार निष्केट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलूर के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-8-99 को प्राप्त हुआ था।

[म. एल-12012/158/96—आई आर (बी-II)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 26th August, 1999

S.O. 2731.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 24-8-99.

[No. L-12012/158/96-IR (B-II)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM LABOUR COURT, BANGALORE

DATED: 11-8-99

PRESENT:

JUSTICE R. RAMAKRISHNA
PRESIDING OFFICER

C. R. No. 240/97

I PARTY

The General Secretary
Syndicate Bank Staff Association
Bangalore-9.

II PARTY

General Manager
Syndicate Bank
H.Q. Manipal-576119

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2A of the section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-12012/158/96-IR(B II) dated 21-5-97 on the following schedule:

SCHEDULE

Whether the action of the management of Syndicate Bank in terminating the services of Shri A. Venkataramana Sharma without observing the provisions of Section 25 F and 25 B of the I.D. Act, 1947 is legal and justified? If not, to what relief the said workman is entitled?

2. By reading the above schedule, the management was directed to justify the termination of first party workman without observing the provisions of Section 25 F and 25 B of the Industrial Disputes Act, 1947, hereinafter referred as Act.

3. The case made out by the I party in his claim statement is, that he joined the second party bank as a temporary attender on 4-10-83. He worked for more than 240 days in a year continuously. He was appointed to work as attender in permanent vacancy. Though the bank absorbed ineligible persons as permanent employees they were not empanelled the name of this workman in the seniority list.

4. Therefore, this workman approached the ALC(C) Oorgam KGF by a petition dated 24-9-92. In the conciliation the management contended that the service of the first party was not retrenched. Therefore, a Conciliation Officer directed the first party to report for duty and directed the management that his name would be taken on the panel. Though he has reported on 11-1-1993 he was not entrusted with the duties, therefore, non providing the work amounts to termination. As the management have not followed the mandatory provisions of Section 25 F of the Act is entitled for reinstatement, back wages and continuity of service.

5. The second party in their counter statement have denied almost all the averments made in the claim statement except to the extent made out in their statement. Initially they have contended that the first party is not a workman as defined under the Act and therefore, there is no Industrial Dispute.

6. Their further case is that this workman was engaged in October 1983, he has not worked even 210 days in the preceding 12 months prior to the date of his last engagement. He was engaged against leave vacancy and not against permanent vacancy. Since the first party raised the dispute after 4 years on the ground of latches, the reference is liable to be rejected. After 11-1-93, no work was entrusted to the first party as there was no requirement of a temporary attender. It is their further contention that, the first party stopped approaching them after his last engagement and thereafter he has raised this dispute on false grounds. Therefore, they prayed for rejecting the reference.

7. Since there was no scope for framing any additional issues, the parties are directed to prove the dispute on the schedule to the reference. Consequent to this direction, the second party examined an officer of Bank and the workman examined himself.

8. The pleadings of the parties are conclusive. It does not give any scope for ambiguity. However, the first party is trying to make a mountain from mole hill.

9. The witness for the second party was examined as MW 1, deposed that this workman was engaged as a temporary attender to work during leave vacancy of regular attender. His engagement was on 4-10-83. He was not engaged on any permanent post. His services was utilised from 4-10-83 to October 1988, intermittently on the same principle.

10. To substantiate this, the second party has produced an attendance register extract from October 1983 to November 1988 as per Ex. M1 series. The last assignment of work was on 9-11-1988. After that period the first party was not available to entrust any work. The bank never refused work nor it terminated the services of the first party.

11. This witness further deposed that the bank has maintained a panel of temporary attenders for Kolar district. The name of the first party is also included in that list and his name is still on the panel. In fact on the request of the first party they have given an extract of attendance as per Ex. M2. His further evidence is that the first party is gainfully employed in a Finance Company at Bangalore. The conciliation was raised in the year 1992.

12. In the cross examination, it is elicited that 4 sub-staff were working during 1983 at Kolar Branch. This witness denied of entrusting their work to the I party even after all the 4 sub-staff attending the work.

13. Against this evidence the first party has deposed that he joined the bank on 4-10-83 and worked more than 240 days from 1-1-86 to 31-10-87. He was removed from service during 1989. It is his further evidence that he was provided work when all the 4 permanent attenders were working in the bank. He has denied of having working in a Finance Company.

14. In the cross examination he has admitted that he was a temporary employee and was provided work whenever the work was available. He has also admitted that Ex. M2 is a statement showing the number of days he worked. He has also accepted for having given a representation Ex. M3. He has also admitted that his last working day was 1-11-1988. In his further cross examination he has shown his ignorance about a seniority list prepared by the second party with regard to the temporary employees working in Kolar district. He has admitted that his name is still in the panel at Sl. No. 3. He has also admitted that he has not produced any written order to prove that he was removed from service. He has also stated that after he raised this dispute he has not approached the management for work.

15. A reading of the oral evidence coupled with the documents, the conclusion is that the first party provided a temporary sub staff work to attend the bank in the absence of a permanent attender. Since his name was empanelled in the list of the temporary sub staff he cannot claim his continuation as a matter of right when the very appointment is of a temporary nature to provide the work whenever it is available. To claim permanency of a post there should be vacancy and he should qualify in accordance with recruitment rules.

16. His plea that stopping of work amounts to termination cannot be accepted at all as he has not performed duty more than 240 days continuously in a given year. Though the extract Ex. M2 shows that during 1987 the first party worked for 223 days; the nature of engagement does not give a right to claim continuity of service with a view to Section 25F of the Act. Even in the order 1985 he was provided work for 104 days.

17. We are coming across in a number of cases such claims are made in respect of a temporary assignment on contractual basis to claim the benefit of retrenchment. It is not the intention of the law. Though we feel that after substantial service put up by a workman, he has been deprived of a permanent job, the court cannot substitute the rules applicable to a particular establishment. The court cannot lay down law but it can only interest law. The first party has miserably failed to show that his services are terminated. Since his case is not that of a regularisation of his work, he cannot claim the benefit as indicated in the schedule.

18. Since the adjudication of this dispute is on the peculiar facts and circumstances of this case, the authorities relied by the first party is not considered.

ORDER

Having regard to the facts and circumstances of this case, the reference does not call for any consideration and the same is rejected.

JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली, 26 अगस्त, 1999

का.आ. 1732:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार केनरा बैंक के प्रबंधक के संवद्ध नियोजकों और उनके कर्मचारियों के बीच, अन्वेषण में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-8-99 को प्राप्त हुआ था।

[स. एन-12012/212/95-आई आर (बी-II)]
सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 26th August, 1999

S.O. 2732.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Canara Bank and their workman, which was received by the Central Government on 24-08-99.

[No. L-12012/212/95-IR(B-II)]
C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated, 17th August, 1999

C. R. No. 118/97

PRESENT

Justice R. Ramakrishna, Presiding Officer.

I PARTY

Shri M. V. Srinivasa,
S/o Venkatarayappa,
aged about 35 years,
earlier working as peon
on daily wage basis at
Canara Bank, Melur Branch
Kolar District,
Since illegally dismissed
from Maralappna Halli (N).
Dibburahalli Post,
Sidlaghatta Taluk,
Kolar District,
Bangalore-563105.

II PARTY

The Management of Canara Bank,
Circle Office,
86, M. G. Road,
Spencer Plaza,
Bangalore-560001,
Represented by its
Deputy General Manager.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-12012/212/95-IR(B-II) dated 20-2-1996 on the following schedule:

SCHEDULE

"Whether the action of the management of Canara Bank, Bangalore in deleting the name of Shri M. V. Srinivasa, Casual Attender, Melur Branch, from the

panel of Casual/Daily waged workers/Attendees w.e.f. 7-2-95 is legal and justified? If not, to what relief is the said workman entitled?"

2. The first party was a daily wager for a fixed term temporarily on day to day basis. He was selected for empanelment of daily wager since 10-3-1982. After working in some of the branches he was attached and engaged to work at Dibburahalli Branch. During his engagement at Dibburahalli Branch he was issued with the Charge Sheet dated 17-6-1994 for the following acts of misconduct:—

(a) On 8-9-1992, when 1st party was attached to Dibburahalli Branch, he called Sri Rangappa to his house and by misrepresentation obtained his L1I on a debit slip and witnessed the same. This slip was later used by some one else to fraudulently withdraw a sum of Rs. 2,619.85 from SL account. This act shows that he actively assisted others to commit fraudulent withdrawal of Rs. 2,619.85.

(b) He also obtained signature of one Sri Venkatappa, holder of SB Account Number 2565 of Dibburahalli Branch, on a withdrawal order form, without informing him as to why his signature was obtained. He entered the amount of Rs. 1,200 on the withdrawal order form which was fraudulently used for drawing the amount from the account. After withdrawing the amount he prepared a fire ledger sheet and removed the previous sheet. Thus, he had connived with others in committing the fraudulent withdrawal.

(c) He collected a Demand Draft for Rs. 11,592 from Zilla Parishad, which was the subsidy amount returned by branch and prepared two credit slips to credit the proceeds of the Demand Draft to SB Account 6848 and 5698. Credits were given to the SB Accounts with an intention to draw the amounts fraudulently.

3. Though the first party was a Daily Wager, the above misconduct being grave in nature, the management having dissatisfied with the reply of this workman have conducted a domestic enquiry by appointing a law officer as an Enquiry Officer. In the domestic enquiry the management examined as many as 4 witnesses and all the relevant documents were marked as Exhibits. After a full dressed enquiry, a report was submitted holding that the charges are proved. The management after appreciating the report of the Enquiry Officer has passed an order deleting the name of the first party from the panel of Casual/Daily Waged Workers/Attendees, after giving an opportunity for having his say against the report of the Enquiry Officer.

4. Initially we have framed a preliminary issue to give a finding on the validity of domestic enquiry. After recording the evidence of the Enquiry Officer and this workman, this tribunal passed an order dated 1-6-99 and gave the finding in favour of the management.

5. The first party in his claim statement, as it relates to the misconduct covered by the charge sheet, has contended that one Shri Sampangiramaiah, an officer working in that branch had committed fraud by utilising the slips got prepared through the first party workman. His further contention is that he being at the lowest category of the employee, he was at the mercy of the officers above and this was misused by Shri Sampangiramaiah. He has also contended that the Enquiry Officer, Shri Ravindra Kumar was junior to Shri S. Vamana Pai, Branch Manager on whose report the proceedings were initiated. Therefore, the Enquiry Officer was bound to uphold the conclusions reached in the report of the Branch Manager and therefore, he was impliedly biased and such a person was incompetent to hold the enquiry.

6. The second party in their counter statement have categorically denied the defence of the first party that he was only an instrumental in the hands of the said Sampangiramaiah to commit this misconduct by his influence. As it relates to the second allegation of the workman, it is contended that the Enquiry Officer was appointed by the Dy. General Manager and the functions of the Enquiry Officer is independent of his position and free from interference from any other person. Therefore, the contention of the first party that the Enquiry Officer impliedly biased has no justification.

7. As it relates to the contention of the first party that he was an instrumental under the influence of Sampangrammaiah, an officer of that branch, does not hold any water as the evidence shows that the first party has secured the LTI of MW 1 and MW 2 examined in the enquiry on the basis of which the preliminary investigation was conducted and the charge sheet was issued to him.

8. I have gone through the evidence of the witnesses examined in the enquiry. The evidence as it stands does not lead to any inference of ignorance of this workman. Therefore, the enquiry officer has taken into consideration the evidence as it stands to reach his conclusion. Therefore, the first party is not able to show that the report of the Enquiry Officer was perverse.

9. The learned advocate for the first party to justify the stand taken by him that an implied bias can be imponder to the Enquiry Officer has relied on a judgment of the High Court of Kerala, 1995 1 LLJ 547. In this case a bench presided by the Hon'ble Chief Justice, in the writ Appeal, after examined the case found that the Enquiry Officer was a Subordinate Officer under the de facto complainant and therefore, the bias is writ large on the face of the enquiry and therefore, the penalty is to be quashed. A learned single judge in the writ petition has rejected this plea on the ground that such objections are not taken in the enquiry and it is also not one of the grounds taken in the pleadings.

10. Their lordship of the bench, after following a decision of the Supreme Court in R. L. Sharma V/s. Managing Committee. AIR 1993 SC 2155 have held:—

Following the aforesaid decision of the Supreme Court, we hold that the learned single judge was wrong in coming to the conclusion that the writ petitioner could not be permitted to raise the question of real likelihood of bias, as he did not raise the same during the course of the enquiry proceedings. Admittedly the Inspector who conducted the enquiry, was the immediate Subordinate of the complainant in the case. The real likelihood of bias is writ large on the face of the enquiry. We, therefore, disagree with the view of the learned single judge and hold that the entire enquiry was vitiated. Therefore, W.A. No. 811 of 1993 is allowed and the entire enquiry proceedings, including the penalty, are quashed. This, however, will not preclude the authorities if they so desire to have a fresh enquiry conducted in accordance with law by a competent enquiry officer. While doing so, they will however, consider whether at this distance of time a fresh enquiry is to be conducted or not.

11. With due respect, the above decision is not applicable to the facts of this case. The Manager gave the report on the basis of the complaint made by MW 1 to MW 3, the customers of the bank. Therefore, a report does not take the place of a complaint. Secondly it cannot be held that an implied bias can be attributed to the Enquiry Officer as these proceedings are initiated within the framework of bi-partite settlement.

12. The second decision relied by the learned advocate for the first party is in Kuldeep Singh V/s. Commissioner of Police reported in 1999 SCC (L&S) 429. In this decision a jurisdiction to interfere with the findings of guilty can be interfered if such conclusion is based on no evidence.

13. Against this, the learned advocate for the second party relied on a decision of Pankaesh V/s. Tulsī Gramin Bank AIR 1997 SC 2654. In this judgment their Lordships is of the view that if Regulation postulates a delegation of enquiry to a person who is higher in rank than delinquent officer does not cause irregularity.

14. The learned advocate for the second party Shri Prasad has submitted that the first party has committed a grave misconduct though he was in the rank of Daily Worker Employee and therefore, the order of the management does not require any interference as he relies on the judgment in New Shorrock Mills V/s. Maheshbhai T. Rao AIR 1997 SC 252, Padmansubhdu V/s. Bank of India and Anr. 1995 1 LLJ 1076 (High Court of Karnataka) and State of Karnataka V/s. H. Nagaraj JT 1998 (9) SC 37.

15. Having regard to the fact that the case laws are well settled on the point of misappropriation and also the misconduct of the first party was proved on the materials placed in the enquiry and also due to the fact that the punishment is not shockingly disproportionate, there cannot be any interference in the order of the second party. In the result I make the following orders:—

ORDER

The second party are justified in imposing the punishment shown in the schedule. The reference is answered accordingly.

JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली, 26 अगस्त, 1999

का.आ. 2733—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वये में केन्द्रीय सरकार सेटल बैंक ऑफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कार्यकर्ता के बीच अग्रिम में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक आधिकार, कलकत्ता के पंचायत को प्रस्तुत किया है, जो केन्द्रीय सरकार को 24-8-99 प्राप्त हुआ था।

[सं. नं-12011/23/96-ई.आर. (बी-II)]

जी. गंगधरन, ई.आर. अधिकारी

New Delhi, the 26th August, 1999

S.O. 2733.—In pursuance of Section 17 of the Industrial Disputes Act, (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workmen, which was received by the Central Government on 24-8-99.

[No. L-12011/23/96-IR(B-II)]

C. GANGADHARAN, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT CALCUTTA

Reference No. 24 of 1997

PARTIES :

Employers in relation to the management of Central Bank of India.

AND

Their workmen.

PRESENT :

Mr. Justice A. K. Chakravarty, Presiding Officer.

APPEARANCE :

Or behalf of Management.—Mr. S.C. Sinha, Manager (Law) of the Bank.

Or behalf of Workmen.—Mr. M. Bhunia, Vice-president of the Union.

STATE : West Bengal.

INDUSTRY : Banking.

AWARD

By Order No. L-12011/23/96-IR(B-II) dated 30-5-97/7-7-97 the Central Government in exercise of its powers under sections 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Central Bank of India in not regularising the services of S/Shri Md. Ahmed Ali and Adhir Chandra Barman is legal and justified? If not, to what relief the said workmen are entitled?"

2. Central Bank of India Employees' Union (in short, the union) has raised this industrial dispute for the refusal of the management of Central Bank of India (in short, the management) to regularise the services of Md. Ahmed Ali and Adhir Chandra Barman.

3. Regarding Md. Ahmed Ali, union's case, is that he was working as casual labour and sweeper in Dinbata Branch of the management since January 1987. Between January 1994 to January 1995 he completed 276 days of service. It is alleged that his name was registered in the Employment Exchange at Coochbehar and he possesses all eligibility criteria for employment in the subordinate cadre of the Bank. Regarding the other workman, namely, Adhir Chandra Barman union's case is that he worked as a casual worker from 26-6-1992 at Toofanganj Branch and he served for 220 days in the Bank from June, 1992 to February 1994. The payment used to be made to these casual workers on lump sum basis. Both the workmen applied to the Regional Manager, Coochbehar in response to Bank's circular dated 27-1-1995 in respect of absorption of those temporary workers who had completed 240 days of continuous service. Their prayer for regularisation was rejected by the management, the sponsoring union thereafter raised the industrial dispute before the conciliation officer. All attempts of conciliation between the parties having failed, the matter was referred to the Central Government which has sent the dispute to this Tribunal for adjudication by way of present reference. Union has alleged that the management has terminated their services wrongfully without compliance of the provisions of section 25F of the Industrial Disputes Act, 1947. The union accordingly prayed for regularisation of the services of Md. Ahmed Ali and to arrange recruitment process by giving preferential treatment to Adhir Chandra Barman for regularisation in the Bank's service, for payment of wages on pro-rata basis, payment of bonus and all other consequential benefits.

4. The management of Central Bank of India has filed a written statement denying that Md. Ahmed Ali completed 276 days and Adhir Chandra Barman completed 220 days of service in a calendar year of 12 months. It is also alleged that they never performed whole day's work and the payment was made purely on job basis understanding. It is also alleged that the concerned workmen enjoyed status of hired labour and on completion of each day's work they were entitled to receive wages for that day only. Management denied that they were engaged continuously or uninterruptedly. It's case is that their services used to be utilised in case of exigency due to shortage of regular staff or for other reasons. Management denied that they have any right to claim regularisation in their services. Management has accordingly prayed for dismissal of the case of the union.

5. In its rejoinder, the union has reinstated its case that Md Ali worked for 276 days continuously and Adhir Chandra Barman worked for 220 days. It is also alleged that there are papers in the custody of the management for proving that they have worked during the above period. It is also alleged that though the concerned workmen were thereafter engaged by the Bank as Peons their remuneration used to be paid in the name of other persons for avoiding their regularisation in service.

6. Heard Mr. M. Bhunia for the union and Mr. S.C. Sinha for the management.

7. Three witnesses were examined on behalf of the union. Management also examined two witnesses. Both parties also produced certain documents.

8. The Union has prayed for regularisation of the services of the concerned workmen, namely, Md. Ahmed Ali and Adhir Chandra Barman. The reference itself calls for a decision of this Tribunal about the alleged regularisation of the concerned workmen in their services. I have already mentioned the union's case in this matter. On a perusal of the union's case it will appear that the union is not very

sure about the case it wanted to make out. On the one hand it has prayed for regularisation of the services of the concerned workmen in terms of the circular of the Bank dated 12-3-1991 and on the other, it has challenged the termination of the services of the concerned workmen in violation of Section 25F of the Industrial Disputes Act, 1947.

9. In so far as the claim for regularisation is concerned the workman's right to regularisation being based on Circular No. CO : 90-91 : 622 dated 12-3-1991 it is necessary to examine the relevant provisions of the circular. My attention was drawn to paragraph 3.1 of the circular for this purpose, which runs as follows : "Temporary employees who have put in 240 days of temporary service in any continuous period of 12 months after 1-1-82 upto 31-12-90 will be considered for absorption in the immediate available vacancies without any test and interview." The latest circular on this point is Circular No. CO : 93-94 : 234 dated 20-9-1993 from which it will appear that excepting certain minor changes it was directed in paragraph 7 of that circular that "All other guidelines/instructions for holding recruitment etc. given in our Circular No. CO : 90-91 : 622 dated March 12, 1991 for absorption of temporary employees remained unchanged." The circular thus being clearly intended to benefit those casual workers who had worked continuously for 240 days within a year between 1-1-1982 to 31-12-1990, no other casual worker can be entitled to get any benefit out of the circular. In the instant case, union's case in respect of Ahmed Ali is that he has worked for 276 days from January 1994 to January 1995. In his evidence he has stated that he had worked for 251 days from January 1994 to December 1994. MW-1, Sanjay Krishna Sikdar is the Assistant Regional Manager at the Regional Office at Siliguri. Since he was Manager of Dinbata Branch of the Bank from 1987 to 1991 he was not in the branch when Md. Ali claimed to have worked there. Some vouchers also were produced by the Management, but those vouchers do not prove that he had worked for 251 days from January 1994 to December 1994 or 276 days from January 1994 to January 1995. In his evidence WW-1, Ahmed Ali also stated from 1992 he started helping one canteen boy who was a lady and for that he used to get his remuneration. He, of course, stated that during this time he also worked as and when required by the Branch Manager at his request. So upon consideration of the evidence regarding working days of Ahmed Ali, I am not in a position to hold that he worked for more than 240 days either in 1994 or 1995 continuously. There is, therefore, no question of work as for 240 days in any year by Ahmed Ali or his entitlement to regularisation in terms of circular dated 12-3-1991, Ext. M-7. Even assuming that he had worked for 240 days, this workman would not have been entitled to the benefits of the circular as such benefits is restricted to these workers who had worked from 1-1-82 to 31-12-90.

10. Regarding the other workman, namely, Adhir Chandra Barman, Union's case is that he had worked for 220 days from June 1992 to February 1994. From his evidence it will appear that he was working in the Bank as sub-staff since 25-8-1992 till 1995 when he started working in a different name there. No documentary evidence is produced to show that he even worked for 220 days. From the evidence of MW-2, who is an officer of the Bank and who stated from record of the Bank that from 25-2-1992 to 23-6-1993 Adhir Chandra Barman worked for 214 days. This workman having not even completed 240 days of service in a year nor entitled to the benefit in terms of the circular, Ext. M-7, he cannot have any case for absorption/regularisation by the Bank as prayed for by the union.

11. Apart from the fact that the concerned workmen are not entitled to get any relief on merits as stated above by me, the union's case is also liable to be rejected on other grounds as well. I have already stated that after admission of the fact of termination of the concerned workmen in its written statement, the union has prayed for regularisation of their services. There cannot be any question of regularisation in service of any person unless such person remains in employment. The workmen being admittedly out of employment at the time of conciliation, no question of regularisation can arise. That apart, no prayer having been made by the union for reinstatement of the concerned workmen for alleged non-compliance of section 25F of the Industrial Disputes Act, 1947, no relief can be given because not only no such relief was prayed for but essential requirement of 240 days of

work of the concerned workman has not been proved in this case. The reference itself being directed for a decision of regularisation of the services of the concerned workmen, no such relief for reinstatement is called for in this case. It will not be out of place to mention here that the workmen are still working in their respective branches in different names and accordingly no question of their reinstatement or regularisation can arise in such circumstances.

12. So, upon consideration of the facts, circumstances, evidence on record as well as position of law in the matter. I am to hold that the action of the management of the Central Bank of India in not regularising the services of the concerned workmen was justified. The workmen accordingly shall not be entitled to any relief.

This is my Award

Calcutta,

The 13th August, 1999.

A. K. CHAKRAVARTY, Presiding Officer.

नई दिल्ली, 26 अगस्त, 1999

का.आ. 2734.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेटल बैंक आफ इंडिया के प्रबंधन के संबंध निम्न कों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, गोहाटी के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-8-99 को प्राप्त हुआ था।

[सं. एल-12012/17/98-आईआर (बी-II)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 26th August, 1999

S.O. 2734.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Guwahati as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workmen, which was received by the Central Government on 24-08-99.

[No. L-12012/17/98-IR(B-II)]

C. GANGADHARAN, Desk Officer

ANNEXURE

IN THE INDUSTRIAL TRIBUNAL :
GUWAHATI : ASSAM

Reference No. 9(C) of 1998

PRESENT :

Shri K. Sarma, I.L.B.,
Presiding Officer,
Industrial Tribunal, Guwahati.

In the matter of an Industrial Dispute between :

The Management of Central Bank of India,
Guwahati,

Versus

The workman rep. by the Gen. Secy., NERCBE
Union, CBI of India, Guwahati-3.

APPEARANCE :

Shri A. Sarma, Advocate.—For the Management.

Shri B. Sarma, Advocate.—For the workman.

Date of Award : 7-8-99

AWARD

This Industrial dispute is registered on the basis of the reference made by Desk Officer, Government of India, Ministry of Labour under memo No. L-12012/17/98/IR(B-II) dated 12-11-98 to adjudicate the dispute arising between Miss J. M. Dutta and Miss Shibani Dey represented by their union under the name and style North Eastern Region Central Bank Employees Union and their management Central Bank of India on the following issue :

“Whether the action of the management of Central Bank of India in dis-engaging the services of Miss J. M. Dutta and Miss Shibani Dey w.e.f. 16-08-1997 is legal and justified ? If not, to what relief the said workmen are entitled ?”

On receipt of the reference, this tribunal has registered this case and issued notice to both the parties calling upon them to file their written statements and to exchange their documents in support of their claim, in response to which both the parties have appeared and filed their written statement and addl. written statement setting forth their respective claim and also submitted document. Both the parties have adduced oral evidence in support of their claim and exhibited document.

After recording evidence of both the parties, I have heard the arguments advanced by the learned advocates for the both the parties and perused the entire materials on record and found as follows.

The fact of the case, in brief, is that the workmen Miss J. M. Dutta & Miss Shibani Dey have alleged that they were engaged by the management, Central Bank of India its Regional Office at Jorhat as Typist on and from 27-7-92 and 16-6-93 respectively till 16-8-97 to type the papers @Rs. 2 for per page of letter and Rs. 3 per page of stencil paper. Miss J. M. Dutta was English typist and Shibani Dey was both English and Hindi as revealed from materials on record. They have stated in their written statement that on the date of engagement, they were called by Bank official to the Bank and interview them orally and thereafter engaged them to do typing work as stated above. Typing material like type machine, carbon etc. were supplied by the management. The workmen were also provided with a register by the management to make entry of each of the papers typed by them and at the time of their departure from the office, the register had to be signed by their sectional head where they were working. The workmen obtained remuneration for their type work at aforesaid rate either at the end of the month or at any time as and when they required money after

issuing necessary receipt to the management. They have contended that they filed representative before the management to regularise their work, but management, instead of regularising their service, have suddenly discontinued their work since 16-8-97. Workmen having failed to get any relief have approached their union as aforesaid who has brought the matter before concerned Conciliation Officer for settlement of the issue on conciliation and negotiate, the conciliation between union and management have met with failure, this reference has been made by the appropriate Government for adjudication of the dispute.

The management, on the other hand, has contended that workmen Shibani Dey and J. M. Dutta, were never their employees nor they have appointed them at any point of time. They have further contended that the workmen were engaged to do type work purely on contract basis at the rate of Rs. 2 for each typed page and Rs. 3 for stencil and they were paid on monthly basis as earlier on aforesaid rate. They further contended that the workmen were not an employee of the Bank and they were not under their control and management nor they are to sign any attendance register nor any specific time was fixed for them for coming to and going from the office. They may come to the Bank at any time and do the work according to their own wish as they were not employees of the Bank. They were not governed by service rule nor any rule or regulation applicable to Bank employee was applicable to them. It is further contended that the management never disengaged them from the service on the date stated by them, but they themselves discontinued their work. As they were not employees of the Bank, question of their regularisation does not arise.

The main issue to be decided in this case is already mentioned herein above. In the issue it has been mentioned whether the management is legal and justified in desengaging the service of aforesaid two workmen.

The learned counsel appearing on behalf of the management has submitted that as there is a question of 'engagement' and 'disengagement' to be decided by the tribunal, the question of regularisation can not be raised. Had there been a reference as to 'appointment' and 'discharge' the question of regularisation could have been raised by the workmen. This is because the word 'engagement' does not mean or include appointment and accordingly 'disengagement' cannot also have the meaning of 'discharge'. But rebutting this submission, the learned counsel for the workmen, Shri B. Sarma, has drawn my attention to AIR 1976 SC page 1111. In aforesaid decision the Apex Court had discussed the meaning of termination under section 2(oo) of I. D. Act in the following way : "Termination... for any reason whatsoever in Section 2(oo) are the key words. Whatever the reason, every termination spells retrenchment. So the sole question whether the employee's service has been terminated? Verbal apparel apart, the substance is decisive. A termination take place where a term expires either by the active step of the master or the running out of the stipulated term."

Termination embraces not merely the act of termination by the employer, but the fact of termination howsoever produced.

That to write into the order of appointment the date of termination confers no moksha from Section 25F(b) is interable from the proviso to Section 25F(a) "Relying upon this decision the learned counsel for the workmen submitted that work 'engagement' amounts to 'appointment' and accordingly 'disengagement' amounts to 'discharge'. So far as the submission made by the management as to having no administrative control over the workmen by the management is concerned, the learned counsel for the workmen has relied upon the decision of AIR 1974 SC page 37 the relevant para is as follows : "The right to control the manner of work is not the exclusive test for determining the relationship of employer and employee. It is also to be considered as to who provides the equipment. It might be that little weight can now-a-days be put upon the provisions of tools of minor character as opposed to plant and equipment on a large scale. But so far as tailoring is concerned, the fact that sewing machines on which the workers do the work generally belong to the employer is an important consideration for deciding that the relationship is that of master and servant."

The learned counsel for the workmen has further submitted that management has violated the mandatory provision of law laid down in section 25F of I.D. Act, 1947 by not paying one month wages to the workmen at the time of retrenchment. As the retrenchment order violates the aforesaid provision of law, the order is apparently illegal and needs to be set aside by tribunal.

Shri A. Sarma, learned counsel appearing for the management opposed the submission by submitting that as the workmen were not the employees of the Bank nor they were issued any discharge order by the Bank, none of the aforesaid ruling is applicable in this case.

The ratio of aforesaid decision show, that words 'engagement' and 'disengagement' amounts to 'appointment' and 'discharge' and supply of materials for the purpose of carrying out the duties entrusted on an employee amounts to administrative control. These being the ratio of law laid down by the Apex Court, let us see if said principle of law has been applicable in the fact and circumstances of the present case or not. The learned counsel for the workmen has also relied on the law laid down in Section 2(oo) of the Industrial Disputes Act which defines retrenchment. According to this section of law the retrenchment means termination of a workman by the employer from the service for any reason whatsoever otherwise than punishment inflicted by way of disciplinary action. In view of this provision of law, it is necessary to discuss whether the present workman falls within the category of the employees of the management or not or whether their engagement in the work amounts to employment or whether 'discontinuation' from the job amounts to termination or discharge or not. The fact of the case has already been discussed herein above. As revealed from the material on record, both the workmen started their type work

w.e.f. 27-7-92, 16-6-93 and continued till 16-8-97. That both the workmen did type work on payment of Rs. 2 for per page of letter and Rs. 3 per page of stencil paper has not been disputed by the management. The type machine and paper and stencil required for purpose of the work had also been supplied by management is an admitted position of fact. It is also admitted position that register to be maintained by the workmen for the purpose of making entry of the paper that they typed in a day has also been provided by the Bank. But no attendance register was maintained for recording attendance for the workmen nor any specific time is fixed for the purpose of coming to and going from the Bank. Supply of materials and payment made to them on aforesaid rate either on monthly basis or at a time as and when required by obtaining necessary receipt to that effect have established that management bank has same sort of control over the workman. But it is fact that no rules and regulation governing the service condition of the employees of the Bank have been made applicable in case of the present workmen and no formal appointment letter nor any termination letter has been issued to the employees by management. In view of these the workmen can not be said to be an employee of the Bank in true sense of the term.

From the perusal of the record, I find that not a single paper was produced by the workmen to show that they were appointed by the management and were terminated from the service. On the other hand, contention of the management is that the workmen did their duty as professional typist as stated above is believable from condition of payment made to them on the rate as already stated above.

The learned counsel for the workmen has further submitted that the management has violated this Section 25F of I.D. Act, 1947 by not serving one month notice to the workmen before their termination from the service nor wages to the equal terms has been paid. As the provision of law laid down in aforesaid Section is mandatory in nature, the non-compliance of it makes the order of termination illegal. It is true that section 25F of the I.D. Act provides for service of one month notice upon the workmen before termination or also one month wages. But in the instant case it is difficult to hold whether the said Section of law is applicable in the case or not. In this case, no fixed pay has been paid to the workmen in a month. They are paid an amount which they have earned during a month by doing type work at the rate as aforesaid and amount earned is paid at the end of the month or at a time as and when the workmen require. It is already mentioned above that no specific time is fixed for attendance of the workmen in the bank nor any attendance register is maintained. Moreover, no rules and regulation applicable to the bank employee has been applicable to them. In view of this, it is difficult to calculate a month for the purpose of serving notice upon the workmen or to ascertain any account to be paid to the workmen as wages for a month as per aforesaid section of law. Moreover, it has already been mentioned above that neither appointment letter nor discharge nor termination letter has been issued to the workmen which is admitted by the workmen. Although as per decision of the Apex Court in AIR 1976 page 1111 as

already cited above, striking out the name of a workman from the attendance register amounts to termination, but in this case of present workmen, no such register was maintained and hence it can not be held that workmen are terminated from the service on a particular date. This being the position, I am of opinion that there is no scope for service of one month notice to the workmen nor any scope for payment of one month wages.

Although the workmen has demanded regularisation their service, but they can not establish by furnishing any document that they have made any representation to the management for regularisation. It is also not established by the workmen that they were working against the regular vacancy in aforesaid manner, but ultimately they were deprived by the management by not employing them in the regular post and have engaged some other candidate in said post inspite of having their suitability for the post observing necessary formalities as per banking Service Recruitment Rule. To demand regularisation in a post, the workmen must establish that they were working regularly, but subsequently they were deprived of the same inspite of having vacancy to that effect. The workmen could not demand regularisation only on completion 240 days of the works in any manner either as casual employee or contract employee etc. In State of Haryana Vs. Piara Singh 1992 (5) SCC Page 179 the Apex Court has held that the regularisation can not be made as a "Rule of Thumb" on the basis of completion of particular period of service by such an employee. In Surender Kr. Gyan Vs. State of Rajasthan 1992(8) JTSC page 293 the Apex Court upholding the termination of employees who were not appointed permanently on regular basis held that the question as to whether the service of the employees is liable for regularisation or not in a question which will more appropriately be decided by the employer considering among others availability of the post, nature and length of working of the employee, qualification, need, according to the requirement of the work for retaining him and also satisfactory work and conduct. This ratio of the decision shows that for the purpose of regularisation existence of the vacancy is also paramount consideration among other thing. In the instant case, workmen has not established that management has not permanently absorbed them inspite of having vacancy at his relevant time. Moreover, the nature of the work of the workman was completely professional in nature and hence they can not be brought to be level of casual worker receiving fixed amount of wages in a day/month. Mere supply of type machine and type materials justifying certain amount of control over the workmen can not enable the workmen to get them permanently absorbed unless other conditions as aforesaid have existed.

From what has been stated above, I am of opinion that demand for regularisation of the workmen is not tenable in law and this reference is accordingly answered in favour of the management.

However, considering the entire facts and circumstances of the case management is directed to appoint the workmen in regular vacancy if any to be existed in Bank if they are found to be suitable for

such appointment through due process of selection as provided under rules for requirement applicable to it.

I give this award on this the 7th August, 1999 under my hand and seal.

K. SARMA, Presiding Officer

नई दिल्ली, 26 अगस्त, 1999

का.आ. 2735.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केनरा बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलोर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-8-99 को प्राप्त हुआ था।

[सं. एल-12012/35/91-आई आर (बी-II)]

सी. गंगाधरण, डेस्क अधिकारी

New Delhi, the 26th August, 1999

S.O. 2735.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Canara Bank and their workman, which was received by the Central Government on 24-08-99.

[No. L-12012/35/91-IR(B-II)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated : 18-8-1999

PRESENT:

Justice R. Ramakrishna Presiding Officer.

C.R. No. 37/91

I PARTY

Shri C. Kullayappa, General Manager,
S/o Late C-Adimurthy Canara Bank,
3rd Block, 4th Ward, Staff Section (Workmen).
Near Raghavendra Talkies 86, Spencer Towers
Kolar Distt. M.G. Road,
Bangalore-561207. Bangalore-560 001.

II PARTY

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2A of the section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-12012/35/91-IR B-II dated 25-6-91 on the following schedule:

SCHEDULE

"Whether the action of the management of Canara Bank in discharging Shri Kullayappa from the service of the Bank is justified? If not to what relief is the workman entitled?"

2. The first party was joined the services of the second party during the year 1972 as a Clerk. When the first party was working at Chickballapur Branch during the year 1986, it came to the notice of the management that the first party indulged in not crediting the amounts paid by the customers to their respective accounts and thereby committed misappropriation. The first party was covered by the Canara Bank Service Code which is in conformity with the various bipartite settlements.

3. After discovering the misconduct committed by the first party he was kept under suspension by an order dated 25-7-86 and later the second party issued 5 charge sheets, highlighting the misappropriation committed by this workman, for appreciation, it is necessary to reproduce the charges framed against the workman.

(a) Charge Sheet dated 25-7-1986:

While working in Cash Department, the First Party received the following amounts from the customers but failed to credit the same to their Accounts, thus misappropriating the same:

Date	Customers Name and Account Number	Amount
04-06-86	C.N. Parvatamma VSL 17/86	Rs. 500/-
02-07-86	B.N. Laxmikant SB 10381	Rs. 2,600/-
10-07-86	D.S. Jayaramiah Setty DPN 59/85	Rs. 500/-
11-06-86	B.S. Balaji S.B. 14555	Rs. 550/-
27-06-86	Anandakumar S.B. 14921	Rs. 1,600/-
12-06-86	M. Guruprasad S.B. 6179	Rs. 1,000/-
12-05-86	K.C. Thimmarayappa S.B. 9152	Rs. 1,800/-

(b) Charge Sheet dated 19-8-1986

Date	Customers Name and Account Number	Amount
28-06-86	K.V. Venkatesh S.B. 9706	Rs. 3,700/-
17-06-86	Dr. P. Nagaraj, DPN 78/85	Rs. 500/-

(c) Charge Sheet dated 11-9-1986

Date	Customers Name and Account Number	Amount
14-06-86	Y. Krishnaswamy Setty S.B. 12306	Rs. 1,500
17-06-86	M/s. Subbalakshamma & Usha Devi VSL 52/84	Rs. 511
21-06-86	B.H. Gangadharaiah S.B. 14712	Rs. 1,500

(d) Charge Sheet Dated 19-11-1986

Date	Customers Name and Account Number	Amount
09-06-86	B.N. Venkatesh DPN SB 23/85	Rs. 500
27-06-86	G. Venkatarayappa SB 786	Rs. 1,500
17-06-86	Vijayalakshmi R.D. 1983	Rs. 800
27-06-86	M. Munithimmaiah RD 2018	Rs. 100
05-06-86	T. Venkatachalapathy DPN SB 18/85	Rs. 300
18-06-86	M/s. Mysore Financiers RD 1841	Rs. 200
18-06-86	M. Aswathanarayana DPN SB 35/85	Rs. 500

(e) Charge Sheet dated 19-12-1986

Date	Customers Name & Account Number	Amount
	D.S. Shantakumari No. 1173	Rs. 200
	D.S. Jayaramiah No. 1172	Rs. 200
07-06-86	Ameer Jan, SB 12964	Rs. 800
	K.V. Venkatarayappa	Rs. 500

4. It appears that the first party has not filed his reply to the allegations of charges made in all charge sheets. The management have decided to conduct an enquiry and appointed one Shri Om Prakash as an enquiry officer. The first enquiry was conducted on first three charge sheets as requested by the Workman vide his letter dated 29-10-86. The second enquiry was conducted on the charge sheet dated 19-11-86 and 19-12-86.

5. On 27-11-86, the first sitting of the enquiry was made. The CE was present. When the charges were explained the CE has admitted the charges levelled against him. He gave a statement before the enquiry officer as follows:—

“Yes, I have received. I would like to bring to your kind consideration that I have already addressed a letter to the branch during August 1986 admitting that I have misappropriated the amounts of the Customers that were remitted to the bank and I have also given details the said letter. Further, I have accepted my guilt and addressed a letter dated 12-10-86 to the Dy. Gen. Manager, Staff Section (W) Circle Office, Bangalore, pleading mercy and I assure that I shall not give any scope to recur these types of matters. I am also submitting a statement for your kind consideration to view the matter leniently in view of the difficulties I have stated therein.”

6. In spite of his pleading guilty, the charges being grave in nature, the management examined the witnesses. The CE has not cross examined and therefore,

cross examination was taken as nil. The same tendency was adopted in respect of the domestic enquiry relates to subsequent charge sheets.

7. The Enquiry Officer was empowered under service code to proposed punishment to discharge the services of the CE under Regulation 4, Clause(h) of Chapter XI of Canara Bank Service Code. Later he was discharged from service.

8. After receipt of the reference, the first party filed his claim statement on 6-8-91. The second party filed their counter statement on 6-3-92. This tribunal framed a preliminary issue to give a finding on the validity of domestic enquiry. The Enquiry Officer was examined on 16-3-93. He was offered for cross examination on 21-9-93. Second witness was examined on 21-6-96. The evidence of first party was recorded on 15-3-94. He was cross examined on 8-2-99 and 25-2-99. This tribunal on the basis of the evidence and arguments gave a finding on the validity of domestic enquiry on 5-5-99. Since the preliminary issue was held in favour of the management, the first party was directed to address the arguments on merits covering the points on perversity in the findings of the enquiry officer, proof of any victimisation and unfair labour practice from the second party.

9. The facts stated above was gathered from the enquiry proceedings. This workman though committed a grave misconduct, his consciousness does not make him to deny of what he has done. Therefore, after realising the mistake committed by him he has started to ask mercy by the management after showing his repentance to the misconduct committed by him.

10. But contrary to the above the learned advocate who was representing him earlier has filed a claim statement projecting the first party as Saint. Such things are become common for these advocates to place the pleadings which is altogether against any norms. This may be also due to the fact that by these pleadings they may change the truth. But unfortunately such eventualities are failed before the courts as truth always remains and falsity will not be believed. The narration on these things are due to the fact that even the learned advocates are indulging in mis-directing the courts by legal technicalities. Therefore, I am not inclined to appreciate the pleadings of the first party which is totally against any norms. However, I cannot avoid the temptation of showing the tendency of this workman after he committed the above misconduct. It is true that the reported judgements of the Supreme Court is very strict with regard to imposing the punishment to the delinquents when they commit such misconduct especially in the institution of banking activities. But every field has got its own limitations and every sinner will become saint after some time.

11. I have shown above how this workman pleaded guilty to the misconduct committed by him. He has also said the reason for accepting the guilty. He has also demonstrated in various methods about his repentance to his action.

12. After I taken over the charge of this case I happen to observe this workman in the court hall. I always found him sitting with an expression that all is lost in his career and he is a dead man with life. Though he was made to tell falsehood in the evidence recorded in the Examination Chief by his advocate but in the cross examination he was telling the truth to the extent it is accepted. Therefore, a nature of this case required to be examined objectively without the pre-determination of deciding a man is guilty. He wrote letters to the management and the earlier stages of the enquiry and also when the proposed punishment was intimated. Therefore, I feel that one cannot simply brush aside, the appeals made by this workman for mercy and enforce the law to bring an end to his career. The laws are promulgated not only with an object of punishing a person but it also gives jurisdiction when such punishment is really required. When the proposed punishment is suggested by the enquiry officer, he says:—

“As the abovesaid proposed punishment of discharge is quite harsh, I request you to view the matter leniently as I am the only person on whose earnings my family is fully dependant. I have narrated the circumstances under which I have committed the gross misconduct stated in the Charge Sheet, in my letters addressed earlier to the Deputy General Manager. Further, I request you to consider the circumstances on my present position narrated in my letter dated 6-2-1987 and view the matter sympathetically for recommending the punishment and I am prepared to take any punishment except the discharge which you have proposed to recommend. I honestly undertake not to commit any acts in future that would be prejudicial to the Bank.”

13. In his written reply to the proposed punishment he states in his letter as follows :—

“This has reference to the enquiry proceedings to be conducted in our South Circle Bangalore on 27-11-86. I acknowledge the receipt of all your letters and notices served on me. While attending the proceedings, I would further like to submit this letters seeking your mercy for putting me again into the regular service of our Bank. I would like to recall your kind attention to my earlier letter of appeal dated 12-10-86 submitted to you on 13-10-86.

In the said letters, I enlightened you about all the circumstances which lead me into so many problems. I also mentioned how I was forced to commit defaults while discharging my services in the bank.

As the proceedings are being conducted now, fearful thoughts are haunting me every day and every minute. Somehow, I am not able to abstain myself from submitting this second letters seeking you mercy.

The precarious life that I lead with my wife and children during the last five months period has made me realise so many things. I could not provide two meals a day to my wife and children. My childrens studies are discontinued abruptly. We all are leading a life without any destination. My aimless life will have to undergo a further torturous days if my services in the bank are affected in any way. I do not have any other way making my livelihood except my job in the bank. Hence I once again be such you not to take any decisions of severe punishment against me. You may teach me a lesson to realise myself. But I request you not to deprive me off my job in the bank where I had a valuable service of fourteen years with dedication. The value of my services that I have put up so far and that I have to put up in future in the Bank will in no way be measure any where. I assure you that my services would be faithful and dedicated in future. Please give me, my wife and my children a second birth.”

14. The first party also addressed a hand written letter which was received by the management in the year 1986. The manuscript is reproduced to the best of its reading.

As I wrote in my last letter I could not keep up my word. My friend also is trying to get the amount. But I do not have any hopes. So now I have decided to leave this world. Before leaving this world I do not want to put you in trouble, and delemma. The details of the slips I have taken is here below furnishing for your ready records. By the time you will receive this letter I will not be in this earth. Your good worker's Kullayappa 12161 died. Most of the people die by natural death but for me it is

different. I do not have any fear for dying. Because I have done mistake, for that death will be the punishment out of my proceeds that Banu will pay please first pay to slip holders alongwith interest, to save the reputation of the institution and my dues with you (LHV, OD, DUAL). By the time our H.O. might have suspended me or might have dismissed Sir for many people who have served this institution or for good service, people or Govt. will give "Padma Sri or some good reward". But for me "SUSPEND" is the reward given by institution for having served 15 years. A good reward. God only help to my children and my unfortunate wife. Anything that can be possible from Banu side please help to my fatherless children and husbandless wife. Sir please convey my last Namaskars to each and every one to our employees and thank you for having given good cooperation during my stay. Sir I am very sorry during my very short stay I have given a very lot of trouble for that please kindly excuse me. I am writing individual letters to all of our employees. Written a day or two you will receive my dead body. The details of the slips are giving in the side which may please go through. I delayed furnishing particulars because I have decided to come there alongwith money to pay slip holders immediately. But God has not helped.

15. Initially when I gone through the case of this workman, the natural conclusion I reached was to uphold the order of management without any reservation. But I found some more materials are involved which requires examination as it relates to punishment.

16. The learned advocate for the second party Shri BSS has relied on the following judgements to substantiate that the order of discharge made by the second party is infact less harsh then dismissal. Therefore the management have given a scope for seeking any other job to the first party.

17. However, discharge or dismissal is one and the same, as it relates to the understanding of the first party. The judgments are :—

- (a) D. Padmanabhudu V/s. Bank of India & Anr. 1995 (1) LLJ 1076.
- (b) Union Bank of India V/s. Vishwa Mohan AIR 1998 SC 2311.
- (c) Municipal Committee Bhahadurgad V/s. Kishen Behan 1996 Lab IC 1056.
- (d) State of Karnataka & Others V/s. H. Nagaraja IT 1998 (9) SC 37.

18. As it regards to the comparison of criminal trial and disciplinary enquiries and the area of decision the learned advocate relied on:—

- (a) Nelson Motis V/s. Union of India AIR 1992 SC 1981
- (b) T. V. Gouda Vs. State Bank of Mysore and Another 1975 IIR Karnataka 895.

19. There is absolutely no quarell over the judicial pronouncement narrated above. In the case of dismissal by the disciplinary authorities having found that the misconduct were seriously contested by the concerned workman, the courts were reluctant to interfere. The reason is that a party cannot change his stance occasion demands and plead mercy when he has no other go.

20. But here is a case where a workman accepts the misconduct, repents for having committed, made good the money misappropriated and lastly expresses that his whole future will come to an end if the punishment of dismissal are discharge passed against him.

21. Therefore, the tribunal is empowered to take these facts into consideration when it is satisfied that the appeal made by the workman was spontaneous with an element of truth. Therefore, the submission of the learned advocate for the first party to extent the benevolent provisions contained in Section 11A is to be examined. Section 11A was introduced by Act 45 of 1971. Section 11A reads as follows :—

Where an industrial dispute relating to the discharge or dismissal of a workman has been referred to a Labour Court, Tribunal or National Tribunal for adjudication and, in the course of the adjudication proceedings, the Labour Court, Tribunal or National Tribunal as the case may be, is satisfied that the order of discharge or dismissal was not justified, it may, by its award, set aside the order or discharge or dismissal and direct reinstatement of the workman on such terms and conditions, if any, as it thinks fit, or give such other relief to the workman including the award of any lesser punishment in lieu of discharge or dismissal as the circumstance of the case may require:

PROVIDED that in any proceeding under this section the Labour Court, Tribunal or National Tribunal, as the case may be, shall rely only on the materials on record and shall not take any fresh evidence in relation to the matter.

22. On a reading of the above section, the application of this provision is to be used whether the court reaches the satisfaction that the order of discharge or dismissal was not justified. In such cases the court can set aside the order of discharge or dismissal and direct re-instatement of the workman imposing lesser punishment. An alternative relief can also be extended to the workman including the award of any lesser punishment in view of discharge or dismissal depending upon circumstances of each case. Thus even though misconduct is proved penalty of dismissal or discharge is not called for in the fact and circumstances of a case meaning thereby that the punishment is either disproportionately heavy or excessive.

23. I am not any moment say that the management was not justified in discharging the services of this workman on the proved misconduct. My endeavour is to find out whether in a given circumstances the tribunal lacks jurisdiction to invoke an alternative benefit to a workman? My answer is in the affirmative. By concurring with the order of dismissal or discharge in a

number of cases, it results in depriving a workman and his family of their bread and survival in this world. But it cannot be said that even a person commits grave misconduct he shall be asked to go scot free. It is not so. A given facts and circumstances shall always be appreciated objectively. In RM Parama V/s. Gujarat Electricity Board (in 1982) Lab. IC 1031 Mr. Justice Thakkar, late Chief Justice of Gujarat High Court in his celebrated judgement has exhaustively with punishments. The learned judge states that :—

“When difference categories of penalties can be imposed in respect of the alleged fault, one of which is dismissal from service, the disciplinary authority perforce is required to consult himself for selecting the most appropriate penalty from out of the range of penalties available that can be imposed, having regard to the nature content and gravity of the default. Unless the disciplinary authority reaches the conclusion that having regard to the nature, content and magnitude of the fault committed by the employee concerned, it would be absolutely unsafe to retain him in service, the maximum penalty of dismissal cannot be imposed. If a lesser penalty can be imposed without seriously jeopardising the he interest of the employer the disciplinary authority cannot impose the maximum penalty of dismissal from service. He is bound to ask the inner voice and rational faculty why a lesser penalty cannot be imposed.

It cannot be overlooked that by and large it is because the maximum penalty is imposed and total ruination stares one in the eyes that the employee concerned is obliged to approach the court and avail of the costly and time-consuming machinery to challenge in desperation the order passed by the disciplinary authority. If a lesser penalty was imposed, he might not have been obliged to take recourse to costly legal proceedings which result in loss of public time and also result in considerable hardship and misery to the employee concerned.

24. The above guidelines are supplemental to Section 11A. This workman was without any job or allowance from 25-7-86. He has lost his youth and vigour in participating in the domestic enquiry, criminal trial and now before this tribunal. If this tribunal proceeded to decide the dispute within 3 months as, directed in the reference, or within a reasonable period from the date of the reference the things would have been different. We have shown our helplessness in deciding this case early is of our own which resulted in misery to this workman. Therefore, the mental torture and monetary loss of this workman from 1986 till today is itself sufficient punishment. Infact criminal law recognises this. Therefore, we have provision to give relief to the criminals under Section 360 of Criminal Procedure Court and under a probation of offenders Act. Therefore, there cannot be any impediment to extend such benefit to a workman who served the institution honestly and become a victim of circumstances at some point of time.

25. Having regard to these facts and circumstances I make the following order:—

ORDER

The second party management are justified in discharging the services of this workman on proved misconduct. However, this tribunal exercising the power under Section 11A, in substitution of the said order direct the management to reinstate this workman to the post he was held at the time of his dismissal and fix his salary of what he was drawn when he was kept under suspension. He is not entitled for any back wages for the period he was not in the service of the bank. The reference is answered accordingly.

JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली, 31 अगस्त, 1999

का.आ. 2736.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबन्ध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, कम लेबर कोर्ट, विशाखापटनम के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-08-1999 को प्राप्त हुआ था।

[सं. एल-12012/158/98-आई.आर. (बी-1)]

जी रॉय, डेस्क अधिकारी

New Delhi, the 31st August, 1999

S.O. 2736.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal-cum-Labour Court Visakhapatnam as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 24-08-1999.

[No. L-12012/158/98-IR(B-I)]

G. ROY, Desk Officer

ANNEXURE

IN THE COURT OF INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, VISAKHAPATNAM

PRESENT :

Sri C. Sambasiva Rao, M.A., B.L., Chairman, Industrial Tribunal & Presiding Officer, Labour Court, Visakhapatnam.

I.T.I.D. (c) 32/98

Under No. L. 12012/158/98 IR(B.I.) Ministry of Labour Govt. of India

Dated: 14th day of July, 1999

BETWEEN :

D. Ranga Babu, S/o late Venkata Ramana Murthy,
D. No. 1/785,
Kottuvula Street,
Palasa 532 221.
Srikakulam District.

.. Workman.

AND

State Bank of India,
The Asst. General Manager,
S.B.I. Region-II
Zonal Office,
APSRTC Complex Buildings,
Visakhapatnam 530 020

.. Management.

This dispute coming on for hearing before me in the presence of Sri M. Ram Das, Advocate for Management. On perusing the material papers on record the court passed the following :

AWARD

Workman is absent. Nil Award passed.

Given under my hand and seal of the court this the 14th day of July, 99.

C. SAMBASIVA RAO, Chairman & Presiding Officer

नई दिल्ली, 1 सितम्बर, 1999

का.आ. 2737.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कर्नाटक बैंक लिमिटेड के प्रबन्ध तंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निविष्ट विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलोर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 01-09-1999 को प्राप्त हुआ था।

[सं. एल-12012/40/83-डीआईवीए/आईआर (बी-1)]

जी. रॉय, डेस्क अधिकारी

New Delhi, the 1st September, 1999

S.O. 2737.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Karnataka Bank Ltd. and their workman, which was received by the Central Government on 01-09-1999.

[No. L-12012/40/83-DIVA/IR(B-I)]

G. ROY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated 20th August, 1999

PRESENT :

Justice R. Ramakrishna,
Presiding Officer.

C.R. No. 93/89

I PARTY

Shri M. B. Ghorpade,
Near Datta Temple,
Jamkandl,
BIJAPUR DIST.-587 301.

II PARTY

The Chairman,
Karnataka Bank Limited,
Head Office, Kodiyabail,
MANGALORE-575 003.

AWARD

1. The Central Government by exercising the powers conferred by Clause (d) of Sub-section (1) and Sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-12012/40/83 DIVA dated 11-12-89 for adjudication on the following schedule.
2704 GI/99—22

SCHEDULE

"Whether Shri M. B. Ghorpade whose services have been terminated w.e.f. 21-11-1981 by the management of Karnataka Bank Limited is a workman under the Industrial Disputes Act, 1947 and if so whether the action of the management of Karnataka Bank Limited in terminating his services is justified? If not, to what relief the workman concerned is entitled?"

2. Initially the Government of India refused to make a reference of the dispute raised by the I party on the ground that the I party was not a workman as defined under Section 2(s) of the Industrial Dispute Act 1947, hereinafter shortly referred as "Act".

3. Having aggrieved by this refusal the I party filed a writ petition in WP No. 3848/84. A learned Single Judge of High Court of Karnataka by the Order dated 3-10-89 allowed the writ petition and directed the Union of India to refer the dispute for adjudication as the jurisdiction to decide this controversy is on the Labour Court or the Industrial Tribunal. Thereafter the above reference is referred to this Tribunal.

4. On a reading, the reference is in two parts. First part requires the I party to prove that he was a workman when his services are terminated. After giving a finding on this question the Tribunal is asked to give a finding regarding the justification of the II party in terminating the services of the I party.

5. The contention of the I party as regards to the first question is that he was appointed as a Clerk in the year 1957 and was in the continuous employment of the bank till 21-11-81, the day on which his services are terminated. He was handling correspondence with the Head Office and branches of the bank. He was entering in Ledgers the different statements received from various branches of the bank. As he was exclusively doing the work of a Clerk he was a workman within the meaning of Section 2(s) of the Act. The designation of "Officer" was of no consequence in determining his status as an employee and he was a workman within the meaning of section 2(s) of the Act. His further contention is that his termination amounts to retrenchment and therefore he is entitled for all benefits including back-wages. The I party, as it regards to the first part of the schedule, placed materials stated above only. Second part in the pleadings confined to the question related to his removal from the service and the connected incidents.

6. The II party filed their counter statement on 14-6-90. Later they have filed an additional counter statement on 7-3-91.

7. In the first statement they have contended that the I party who was an accountant in the Bank of Karnataka was given grade of an Officer when the said Bank merged with the II party bank. He was transferred to the Regional Office, Hubli in September 1980. His duties were specifically described as follows :

- "1 (a) Scrutiny of Lead Bank Statements received from branches and fixing individual targets for advances to priority sectors ;
- (b) Controlling, supervising and follow-up of the branches in respect of timely submission of the statements to Lead District Office of the Bank. Preparing Draft letters and reminders in consultation with the Regional Development Manager and forwarded the same for his signature ;
2. Reviewing the performance of the branches in deposit mobilisation and appraise the Regional Development Manager from time to time and follow up of the matters concerned with deposits with the branches ;
3. To scrutinise the loan proposals received from branches for sanction of loans to the applicants and preparing office notes and place them before the Regional Development Manager for sanction or otherwise ;

4. Attending to day to day correspondence and initiating letters etc. to Head Office and branches;
 5. Preparing statements for Manager's conference; and
 6. Checking Report on Advances received from Branches.
8. According to the II party the duties mentioned above are supervisory and Administrative. I party was drawing more than Rs. 1,600 p.m. as an Officer. He was promoted as a Grade II Officer. At Hubli Office there were 3 officers and 2 clerks. His nature of work was once again highlighted by the II party.

9. In the additional counter statement the II party made the points raised by the I party as it regards to his termination.

10. The I party who is required to discharge the burden of proof with reference to the question shown in the first part of the schedule has placed a limited pleading which is highlighted above. In fact management evinced more interest, or to put it in another way, to prove this issue. To prove this limited question the parties are labouring before this tribunal from the year 1989. The management examined 2 witnesses. The evidence of first witness confined to the fact that the I party was not a workman. The evidence of the second witness is to prove that the I party had a questionable integrity in his work and the reason for terminating his services by the management.

11. MW I, N. D. Kulkarni who was examined on 18-9-92 was an Assistant General Manager. He has stated that in the year 1980 he was the Regional Manager of Hubli Division of the II party bank. In 1980 the I party was working at Hubli as Officer he was transferred from Jamkandj where he was also an Officer. He was drawing more than Rs. 1,600 salary. Ex M-1 is the order showing that the I party was promoted to grade II officers cadre. Ex. M-2 shows salary particulars.

12. Ex. M-4 is the Memorandum showing the discharge of the I party after paying 3 months salary. Ex. M-5 is the Power of Attorney which will be issued only to Officers. It was issued in favour of I party. Ex. M-6 to M-17 are the documents showing the nature of duties performed by I party. I party was doing supervisory duties like Monitoring, Checking, Drafting Letters, Scrutinising the Lead Bank statements, fixing of individual targets for party seeking advances etc.. Ex M-18 is a document showing that the I party was entitled to first class travel allowances.

13. In the cross-examination of this witness it is elicited even class III employees are Officers. This witness denied that the Clerical works will be allowed to the Officers. This witnesses made to say that Monitoring means scrutinising and Checking of reports sent by branches. He has denied that it is a job of Clerks. He has also denied that tallying the accounts in the report are the work done under this direct guidance of instructions. He has further said drafting letters, Checking statements received from branches is supervisory work.

14. As against this evidence the evidence of the I party is that he was earlier working in the Bank of Karnataka and after its merger with the II party bank in the year 1968, he has been promoted to Officer grade III by the II party. In the year 1978 his cadre was upgraded to Officer grade II. As per the rules of the II party, Officer of grade II or Grade III or Grade I will be posted as Branch Managers. He can also be posted as Sectional Head. When he was working as Grade II officers he was attending to only Clerical work. He was working under Regional Development Manager of the II party. He was doing Clerical duties under him. He was under the control of Regional Development Manager only and there was no Superior Officers to him. On many occasions Grade II and Grade III were directed to do Clerical jobs. There were totally 6 employees in that branch.

15. This witness was cross-examined on 5-7-99. Initially the I party maintained that throughout he was doing Clerical Job. He has accepted the fact that being an Officer he was not entrusted to work as Managerial, he will be working as Clerk only. He has further stated he is not signed any

letters independently when he was working in Regional Development Manager's Office. He was checking the report of the advance on the basis of the Circular and the instructions received from the Regional Development Manager. He was also looking after inward and outward register, maintaining of postage register. He has accepted the fact that he was working as grade II officer. He has accepted one Mr. Desai was Grade II Officer and he was discharging the Official duties in the Managerial Cadre. But he was not given the powers that was being discharged from G.B. Desai. He was once again cross-examined to say that his scale was above Clerical Grade. He has showed his ignorance about the service rules pertaining to Officers. He has accepted the fact that a power of attorney was given to him by the Bank authorising him to act as an Officer of the bank on several aspects of the matter. He has accepted the fact of Monitoring, Checking, Drafting Letters, Scrutinising Bank Statements.

16. Sri R. M. Apte, the learned Advocate has submitted that though the I party was under grade II scale he was not entrusted the Managerial functions. The learned Advocate to drive home the contention raised by him has relied on number of citations.

17. Against this submission Sh. R. Upadhyaya, the learned Advocate representing the II party, has submitted that the I party was an Officer at the relevant point of time enjoying the privileges of an Officer and therefore his services are discharged on the basis of Ex W-1: i.e. "Karnataka Bank Officers Service Rules".

18. The evidence placed by the II party discloses that the I party was an Officer of grade II. To support this contention they have relied on the documents Ex M-1 to M-17. Before appreciating this important issue it is necessary to note the definition of the workman as defined under the act:

2(s) "Workman" means any person (including an apprentice employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceedings under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person—

- (i)
- (ii)
- (iii) who is employed mainly in a managerial or administrative capacity; or
- (iv) who, being employed in a supervisory capacity, draws wages exceeding one thousand six hundred rupees per month or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, function mainly of a Managerial nature.

19. Ex M-1 is a communication promoting the I party to grade II Officers cadre. This is dated 15th April 1978. It further showed that the I party is posted on Bijapur Office as Additional Officer from the date of the Order. Ex. M-5 is an order deputed I party to training in Junior Executive Development programme to be held at Coimbatore. Enclosure to Ex. M-3 discloses the nature of course the I party is to attend in this training. Ex. M-2 is relieving certificate when he was transferred to Hubli from Jamkandj where it is shown that he is a designated Officer Ex. M-31 is a simple discharge order giving 3 months salary in lieu of notice also describes the I party as an officer.

20. It is to be noted at this juncture that the I party has not objected for describing him as an officer and also discharging him from service by invoking the service rules for the Officers. Under clause 27 of the service rules needed jurisdiction to the management to terminate services of the Officers by giving him 3 months notice or by paying 3 months salary in lieu of such notice is allowed.

21. Ex. M-5 is a power of attorney. The I party has a legal attorney of the Bank to perform the duties enumerated in Sl. No. 1 to Sl. No. 15. The Executors are Chairman, Director and General Manager. They have undertaken to ratify and agrees to ratify and confirm whatsoever the attorney will do by virtue of his power of attorney. The powers vested by virtue of this power of attorney is itself crystal clear that the I party was allowed to transact important duties which by any stretch of imagination would be given to a Clerk.

22. The II party at any point of time, treated or even imagined that the I party was a designation Clerk. This is the invention of the I party to raise an industrial dispute.

23. The assessment of Oral and Documentary evidence does not lead to a conclusion that a designate Grade II Officer of a Bank shall be treated as a Clerk which violates the very norms of service rules.

24. Sh. Apte the learned Advocate tried to justify the claim of the I party as a workman on the judgement of S.K. Verma Vs. Mahesh Chandra and others reported in SELC vol. IV page 250. The question raised in the above case was to decide a development officer of LIC as a Workman as defined under clause 2(s) of the act. The Supreme Court by taking into consideration the nature of work entrusted to a development officer including the field work have decided that a development officer is coming to the category of a workman.

25. In National Engineering Industries V/s. Kishan Bhojaria and others, SELC vol. IV page 256, an internal Auditor was declared as a workman after taking into consideration the nature of work he was doing.

26. In Ved Prakash Gupta V/s. Delton Cable India (P) Ltd., SCLC vol. IV page 260, the Supreme Court having found that the concerned workman had no power to appoint or dismiss any workman and therefore he cannot be excluded from the definition of workman.

27. In Arkal Govind Rui Rao V/s. Ciga Geigy of India Ltd., Bombay, SCLC vol. IV page 265, the Supreme Court pointed out the Principle that the court has to find out what are the Primary and Basic duties of a person concerned and if he is doing incidentally some other work asked to do which may not necessarily be in tune with the basic duties, these additional duties cannot change the character and status of the person concerned.

28. Against this submission the learned Advocate for the II party has relied on some of the judgements on this subject.

29. In S. K. Maini and M/s. Caron Sahu Company Ltd., and others, reported in 1994 2LLJ Supreme Court Page 1153, the Supreme Court laid down principles of interpretation that is required to be made whenever such questions arises. In Para 9 of the judgement it is held :

"After giving our careful consideration to the facts and circumstances of the case and the submissions made by the learned Counsel for the parties, it appears to us that whether or not an employee is a workman under S.2(s) of the Industrial Disputes Act is required to be determined with reference to his principal nature of duties and functions. Such question is required to be determined with reference to the facts and circumstances of the case and materials on record and it is not possible to lay down any straight jacket formula which can decide the dispute as to the real nature of duties and functions being performed by an employee in all cases. When an employee is employed to do the types of work enumerated in the definition of workman under Section 2(s), there is hardly any difficulty in treating him as a workman under the appropriate classification but in the complexity of industrial or commercial organisation quite a large number of employees are often required to do more than one kind of work. In such cases, it becomes necessary to determine under which classification

the employee will fall for the purpose of deciding whether he comes within the definition of workman or goes out of it. In this connection, reference may be made to the decision of this Court in *Burmah Shell Oil Storage and Distribution Company of India Ltd. v. Burmah Shell Management Staff Association (supra)*. In *All India Reserve Bank employees' Association v. Reserve Bank of India* (1965-II-Lab-175), it has been held by this Court that the word 'supervise' and its derivatives are not words of precise import and must often be construed in the light of context for unless controlled, they cover an easily simple oversight and direction as manual work coupled with the power of inspection and superintendence of the manual work of others. It has been rightly contended by both the learned Counsel that the designation of an employee is not of much importance and what is important is the nature of duties being performed by the employee. The determinative factor is the main duties of the concerned employee and not some works incidentally done. In other words, what is in substance, the work which employee does or what in substance he is employed to do. Viewed from this angle, if the employee is mainly doing supervisory work but incidentally or for a fraction of time does also some manual or clerical work, the employee should be held to be doing supervisory works. Conversely, if the main work is of manual, clerical or of technical nature, the mere fact that some supervisory or other work is also done by the employee incidentally or only a small fraction of working time is devoted to some supervisory works, the employee will come within the purview of 'workman' as defined in S. 2(s) of the Industrial Disputes Act."

30. In C. Narayan Reddy's case, 1995 (1) LLJ page 265, a bench of Karnataka High Court placing reliance on Maini's case held that a Manager of a Theatre who was drawing a small salary of Rs. 350 p.m. was not a workman as he was employed mainly in Managerial or Administrative capacity and therefore he is not a workman.

31. We have highlighted the nature of the duties performed by the I party and his promotion as a Grade II officer. Merely because under some exigencies and circumstances he does certain work which was being done by a Clerk, it does not lead to a conclusion that he will be relegated as a Workman from his earlier designation as officer. Therefore there is absolutely no merit in the contention of the I party that he was a workman.

32. Consequent to this, we have to hold that the I party was not a workman and therefore this Tribunal has no jurisdiction to decide the second part of the schedule under the act. Consequent, I make the following order :

ORDER

33. The I party was not a workman. Therefore this Tribunal has no jurisdiction. The reference is rejected.

Justice R. RAMAKRISHNA, Presiding Officer

नई दिल्ली 1 सितम्बर, 1999

का.अ. 2738—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ मैसूर के प्रबन्धन के संबंध निराजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलोर के पंचपट की प्रकाशित करती है, जो केन्द्रीय सरकार को 1-9-1999 को प्राप्त हुआ था।

[सं. एन-12012/227/91-आई.आर. (बी-आई)]

जो मा. बैंक अधिकारी

New Delhi, the 1st September, 1999

S.O. 2738.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of Mysore and their workman, which was received by the Central Government on 1-9-1999.

[No. L-12012/227/91-IR(B-I)]

G. ROY, Desk Officer

ANNEXURE

BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT : BANGALORE

Dated : 20-8-99

PRESENT :

JUSTICE R. RAMAKRISHNA, Presiding Officer
C.R. 77/91

I PARTY

Balakrishna S. Waychal,
C/o General Secretary,
D.D.B.E.A.,
9, Corporation Building,
Broadway,
HUBLI 580 020.

II PARTY

The Zonal Manager,
State Bank of Mysore,
Hubli Zonal Office,
P.B. No. 134,
Lamington Road,
HUBLI-580 020.

AWARD

1. The Central Government by exercising the powers conferred by clause(d) of sub-section(1) and sub-section 2A of the sections 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-12012/227/91-IR B-III dated 28-10-91 on the following schedule :

SCHEDULE

"Whether the management of State Bank of Mysore is justified in terminating the services of Shri Balakrishna S. Waychal w.e.f. 31-5-90 ? If not, to what relief the workman is entitled to ?"

2. The first party in the claim statement has contented that he joined the services of the second party at its Ramadurg Branch, Belgaum district as a temporary sub-staff from 12th November, 1986. Later he was appointed as a part time Sweeper on 1/3rd scale wages of sub-staff from 1st August, 1989. He has worked continuously upto 31-5-90 diligently, sincerely and honestly.

3. His further contention is that the second party paid wages in his name upto 21-9-90. Later the branch manager forced the first party to get the signatures of one Shri Ramesh S. Sulake for the period of wages earned between 21-1-90 to 28-2-90 and credited to his account. This method was continued till he was refused work from 31-5-90. His further contention is that due to not providing the work he has approached ALC, Mangalore seeking reinstatement and back wages. It is his further contention that his termination is illegal and opposes to the law laid down under Industrial Dispute Act.

4. The Second party have denied all averments of the first party. According to them the first party was employed intermittently as a temporary sub-staff in the leave vacancy arising out of permanent staff going on leave etc. The first party worked 100 days during November, 1986 to May, 1989. On the application of the first party he was appointed as a temporary sweeper from 2-8-89 and he worked till 28th January, 1990. His services were dismissed from 21-1-90. Again the work was provided to him from 1-4-90 to 31-5-90. They have denied the contention that the wages used to be prepared in the name of another person for the work done by him to deprive his continuity. They have further contented after dispensing the services of the first party the said Ramesh Sulake worked from 21-1-92 to 31-3-92 and he was also paid wages and bonus for the said period. They also denied non-payment of wages, but contented.

5. The points of dispute does not gave scope for framing any additional issues. Therefore, the parties are directed to prove the case on the points referred in the schedule.

6. The second party have denied the allegation of termination as contented by the first party. The manager of the establishment section was examined as MW1. This witness has stated that the first party was working as temporary sub-staff at Ramadurg. That branch maintained records connected to the first party. He was appointed as Sweeper on 1-8-89 on temporary basis. This temporary staff work used to be given to substitute the work of permanent staff whenever they remained absent on leave or some other purpose. A temporary work used to be provided after making a local enquiry. This workman worked about 102 days which was not a continuous one. The second party paid the wages for the months of April and May as this workman has not came to receive the same. Those amounts were paid before the conciliation officer.

7. He has further stated that the permanent post will be given by absorption of part time employees as per rules. For any absorption of a temporary workman the bank manager shall recommend to the head office. Infact an application filed by this workman for absorption was forwarded to his zonal office. He has given his educational qualification as 7th Std in the application. When he requested for permanent post this workman shown his qualification as SSLC. To provide a job as sub-staff minimum qualification should be 7th standard. According to the circular the qualification shall not be more than 7th standard. The bank noticed that this workman has suppressed the fact of qualification when he gave an applica-

gon for permanent employment. Therefore, he was not considered for the post of permanent employee as he has not completed 240 days and more of working days and also because of his educational qualification.

8. In the cross examination he has admitted that the first party made an application for the post of Sweeper on 5-7-89. He has also admitted that another application was given on 6-7-89. On 2-8-89 the first party was given an order to work as sweeper on temporary basis on monthly scale of Rs. 130. He has denied the suggestions that this workman worked from 20-1-90 to 20-8-90. He has also denied that the pay slip cheque was prepared in the name of other person, with a view to deprive the continuity of service. He has stated that post of a sub-staff will not be provided to a person who had the educational qualification of 10th Standard.

9. Against this evidence the first party contented that he has worked as part time Sweeper from 1-8-89 to 31-5-90. The payments was credited to his SB account in the pass book Ex. M2. He has not being issued with any notice of termination nor any compensation was paid to him.

10. In the cross examination he is admitted that his educational qualification is pass in SSLC. He further stated he passed his SSLC in 1983. He shown his ignorance that a job of part time Sweeper will not be provided to a person who having a qualification of SSLC. He has denied though he has not attend work after 31-5-90, he has raised a conciliation. To avoid any enquiry for having given past particulars he stopped visiting the bank.

11. The above evidence demonstrate that the second party employed the first party as a part time Sweeper for the limited period mentioned by them. There is no quarrel over the fact that a part time sweeper job will be given to the persons who will have a 7th Standard as educational qualification. This workman has deliberately stated in his application dated 6-7-89 that his educational qualification as 7th Std. though he has stated in his evidence he has passed SSLC in 1983. Though we may presume that to get a livelihood a person may resort to suppress the facts. But due to the fact the rules of the bank does not permit to provide an employment of this nature to a person who has passed SSLC, this tribunal cannot charge the prevailing rules.

12. There is also no evidence that this workman worked more than 240 days to claim a benefit for permanent post. He has also not established that his services are terminated from the bank.

13. Having regard to these facts and circumstances we cannot enlarge the scope of reference. If this workman was asked for regularisation or absorption, the thing would have been different. Since the first party is notable to prove that he was terminated from service, the reference is bound to fail.

14. In regard to these facts and circumstances the following order is made :—

ORDER

The reference is rejected.

JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली, 6 सितम्बर, 1999

का.आ. 2739.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार महाप्रबन्धक, दक्षिण रेलवे, चेन्नई के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, चेन्नई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 01-09-1999 को प्राप्त हुआ था।

[सं. एल-41012/12/98-आई आर (बी-1)]

जी रॉय, डेस्क अधिकारी

New Delhi, the 6th September, 1999

S.O. 2739.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Southern Ry., G. M. Chennai and their workman, which was received by the Central Government on 01-09-1999.

[No. L-41012/12/98-IR(B-I)]

G. ROY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU, CHENNAI

Tuesday, the 15th day of June, 1999

PRESENT:

Thiru S. Ashok Kumar, M.Sc., B.L., Industrial Tribunal.

Industrial Dispute No. 36/1999

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the management of Southern Railway, General Manager, Chennai, Southern Railway, Divl. Personnel Officer, Madurai.)

BETWEEN

The workmen represented by:

Dakshin Railway Employees Union,
The General Secretary, D.R.E.U., 88A, Kannabiran
Koil St., Perambur Chennai.

AND

1. Southern Railway,
The General Manager, Park Town, Chennai-3.
2. The Divisional Personnel Officer,
Southern Railway, Madurai-625818.

REFERENCE:

Order No. L-41012/12/98/IR(B-I) dated 23-2-1999
Ministry of Labour, Government of India, New Delhi.

This dispute coming on this day for final disposal, in the presence of Thiru P. Arulmudi, advocate appearing for Management Nos. 1 and 2, upon perusing the reference and other connected papers on record and the workmen being absent, this Tribunal passed the following:

AWARD

This reference has been made for adjudication of the following issue :

"Whether the termination of 29 workmen (as per list annexed) w.e.f. the dates noted against their names is justified? If not, to what relief they are entitled to?"

Sl. No.	Name of the Workers	Dt. of termination/ retrenchment
1.	S. Arumugam	12-12-1984
2.	M. Balasubramanian	15-1-1985
3.	R. Chinnasamy	15-1-1985
4.	A. Chinnathambi	20-9-1981
5.	K. Chellappan	20-1-1984
6.	S. Janakiraman	15-1-1985
7.	A. Kulandaivelu	15-1-1985
8.	S. Lakshmanan	15-1-1985
9.	S. Lourdhusamy	20-1-1983
10.	A. C. Maria Soosai	20-12-1983
11.	S. Murugan	16-1-1985
12.	V. Murugesan	15-1-1985
13.	M. Nagan	15-1-1985
14.	P. Nallathambi	15-1-1985
15.	V. Palanisamy	20-6-1983
16.	V. Palaniyandi	15-1-1985
17.	Smt. M. Papathi	20-3-1990
18.	A. Puravichamy	15-1-1985
19.	P. Ramasamy	15-1-1985
20.	A. Ramasamy	15-1-1985
21.	M. Ramasamy	15-1-1985
22.	A. Ramasamy	20-1-1984
23.	P. Sangam	15-1-1985
24.	M. Sanniyasi	16-1-1985
25.	M. Subramanian	15-1-1985
26.	C. Thangaraj	15-1-1985
27.	P. Visuvasam	20-12-1983
28.	Mani	1-8-1981
29.	P. Lourdhuraj	15-1-1985

Petitioner served. Petitioner called absent. Dismissed for default.

Dated, this the 15th day of June, 1999.

S. ASHOK KUMAR, Industrial Tribunal

नई दिल्ली, 13 सितम्बर, 1999

का. आ. 2740.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक, मधुराई के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 09-09-1999 को प्राप्त हुआ था।

[संख्या एल-12012/237/98-आई. आर. (बी-1)]

जी. राय, डेस्क अधिकारी

New Delhi, the 13th September, 1999

S.O. 2740.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of

the Central Government Industrial Tribunal, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SBI, Madurai and their workman, which was received by the Central Government on 9-9-1999.

[No. L-12012/237/98-IR(B-I)]

G. RAY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL,
TAMIL NADU, CHENNAI

Friday, the 2nd day of July, 1999

PRESENT :

Thiru S. Ashok Kumar, M.Sc., B.L.,
Industrial Tribunal.

Industrial Dispute No. 19 of 1999

(In the matter of the dispute for adjudication under section 10(1)(d) of the Industrial Disputes Act, 1947 between the workman and the management of State Bank of India, Madurai).

BETWEEN :

Shri M. Chelladurai,
S/o Sh. P. Mani,
41-A, Slayarkudimaranayanor Street,
Rajakudieruppu, Palayamkottai.

AND

The Asstt. General Manager,
State Bank of India,
Madurai Region-Zonal Office,
Madurai-625001.

REFERENCE :

L-12012/237/98-IR(B-1), dated 8-1-1999,
Ministry of Labour, Govt. of India,
New Delhi.

This dispute coming on this day for final disposal upon pursuing the reference and other connected papers on record and the parties being absent, this Tribunal passed the following

AWARD

This reference has been made for adjudication of the following issue :

"Whether the demand of the workman Shri M. Chelladurai, Wait List No. 295 for restoring the Wait List of Temporary Messengers in the establishment of State Bank of India and consequential appointment thereupon as Temporary Messenger

is justified. If so to what relief is he entitled?"

Petitioner called absent. Petitioner already served. Dismissed for default

Dated, this the 2nd day of July, 1999.

S. ASHOK KUMAR, Industrial Tribunal

नई दिल्ली, 14 सितम्बर, 1999

का. आ. 2741.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कर्नाटक बैंक लिमिटेड के प्रबंधन संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलूर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-09-1999 को प्राप्त हुआ था ।

[सं. एल-12012/19/82-डी-IV (ए) आई आर(बी-1)]

जी राय, डेस्क अधिकारी

New Delhi, the 14th September, 1999

S.O. 2741.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Karnataka Bank Ltd. and their workman, which was received by the Central Government on 14-09-1999.

[No. L-12012/19/82-D-IV(A)/IR(B-1)]

G. ROY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated, 2nd September, 1999

PRESENT :

Justice R. Ramakrishna, Presiding Officer.

C.R. No. 8/87

I PARTY

Shri Narayana M. Ashrit,
9, Corporation Building,
Broadway,
Hubli-20.

II PARTY

The Chairman,
Karnataka Bank Ltd.,
Head Office, P.B. No. 716,
Mangalore-575003.

AWARD

1. The Central Government by exercising the powers conferred by Clause (d) of Sub-section (1) and Sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-12012/19/82/D-IV(A) dated 8-3-1983 for adjudication on the following schedule :

SCHEDULE

"Whether the demand of the workman, Shri N. M. Ashrit, for reinstatement in services of the Karnataka Bank Limited with continuity of service, back wages, and arrears of difference in emoluments due for the period of service from July 1972 to July 1979 at the Gadag Branch of the Bank is justified? If so, to what relief is the concerned workman entitled?"

2. The I party workman who remained absent throughout the proceedings on almost all the dates of hearing, has sent his Claim Statement by post and contended that since 7-7-72 he has worked as a Night Watchman in the Gadag Branch of the II party Bank and was receiving a Salary of Rs. 30 p.m. which was raised to Rs. 45 p.m. subsequently. It is further contended that his Staff Number was 1263 and the II party, though he was working honestly to the satisfaction of his superiors, did not pay the wages in accordance with those prescribed in Awards and Bipartite Settlements and no benefits has been extended though he was working as a Sub-staff of permanent nature.

3. It is further contended that on 31-7-1979 his services are discontinued without issuing a termination order though he was in continuous service for more than 7 years. The II party without proper notice or payment of compensation terminated the services which is illegal, null and void and inoperative in law. Hence he is deemed to be in continuous service and entitled for reinstatement with full back wages and continuity of service.

4. It is further contended that though he has worked in the sub-staff cadre the II party has not paid the wages applicable to the said cadre and not extended the benefits and hence he is entitled to difference of wages from 1972 to July 1979. It is further contended he is unemployed and suffered a lot for all these years and hence he is entitled for reinstatement with full back wages, continuity of service and arrears of wages as applicable in the Awards and Bipartite Settlement.

5. The II party in their Counter Statement have denied all material allegations made in the Claim Statement and contended that the I party was appointed on ad-hoc basis only as a Night Watchman on a Special Contract entered into between them from time to time and last of the contract was expired on August 1978. He was never in continuous service and his appointment was not permanent and it was made to meet special and periodical exigencies of the Gadag Branch. It is further contended the I party was in service under contract and on the expiry of the contract he was ceased to work and it was only after entering into fresh contract after lapse of some time, his work used to be resumed and therefore there was no artificial break in his service and he cannot be classified as Staff under any of the category provided in the Bipartite Settlement and he is not entitled for the benefits under those settlements.

6. It is further contended that the practice of appointing Night Watchman on contract basis for branches which are having no locker system has been discontinued by the Head Office on or about 1979 and hence the question of termination of service does not arise and no termination order is necessary in law, the termination is due to efflux of time and the same is in accordance with the provision of the contract of service. They have denied the claim of the I party that he was in continuous service for more than 7 years and further contended, under para 16.9 of the Desai Award "Casual and Job Workers were excluded from the scope of the Sastry Award as modified", hence the provision of those awards are not applicable in cases of appointments of non-staff on ad-hoc basis and the I party had never any lien on his service as Night Watchman.

7. They have lastly contended the I party is not entitled for reinstatement or back wages and he having acquiesced for over 2 years cannot reopen the Claim and hence the reference is liable to be rejected.

8. Since there was no scope of framing any additional issues the parties have been directed to lead their evidence in the points of dispute. The I party has not shown any interest to lead the evidence in spite of several adjournments granted and used to remain absent on the dates of hearing. In view of this, this Tribunal had issued one more notice to him to make progress in the case and due his absence after receipt of the notice after closing his side the Tribunal directed the II party to lead their evidence and accordingly they have examined one witness and documents from Exs. M-1 to M-9 are marked.

9. The witness, Mahdhu Rao who was working as a Mananger from 1974 to 1978 at Gadag Branch of II party bank has deposed that the I party workman was working as a Night Watchman on temporary basis by executing agreements

every year with some conditions of service as per Exs. M-1 to M-5. He has further deposed after 1978-79 the Bank has discontinued the practice of appointing Night Watchman as every Bank was provided with a strong room to keep the money and other valuables and Ex. M-6 is a letter sent to Gadag Branch in this regard and Ex. M-7 is the statement of account showing the remuneration paid to the Night Watchman of different persons from 1-2-1978 to 20-2-1980 including the I party workman. He has further deposed that the appointment of the I party workman was purely temporary and Ex. M-9 is the Acquittance Roll from August 1977 which shows the names of permanent employees working at Gadag.

10. Due to non-appearance of the I party throughout the proceedings this Tribunal passed an Award on 4-11-1985. By this Award the reference is rejected by justifying the action of the management.

11. The I party filed a Miscellaneous application in Miscellaneous application Number 1/86 to set aside the Award and permit the I party to participate in the proceedings. A learned Presiding Officer of this court considered the application on merits and dismissed the application by an Order dated 25-7-87.

12. The workman filed a Writ Petition against this Order in WP No. 1893/88. A learned Single Judge of the Hon'ble High Court of Karnataka by Order dated 25-11-1994 allowed the Writ Petition and set aside the Award of this Tribunal and incidentally allowed the Miscellaneous petition filed by the I party to set aside the Award.

13. After the matter required reconsideration as directed in the Writ Petition, the case was re-numbered in C.R. 8/87. Therefore, the I party is busy in prosecuting this case from the beginning of 1983. Once again the delay occurred due to disruption of work in this Tribunal partly due to the conduct of the advocates and partly due to insufficient staff as a result of negligence shown by the Labour Department of Government of India.

14. The evidence of MW-1 was recorded on 29-10-1985. He has not been cross-examined at that point of time. When this Tribunal wanted to secure the presence of MW-1, the learned advocate for the I party filed a Memo that he will not insist the cross-examination of MW-1, that Memo was noted and he was permitted to examine the workman.

15. The evidence of the workman discloses that he worked as Watchman from 7-7-1972 to 31-7-1979 under a written contract for a stipulated period which was extended from time to time and further extension was stopped at a particular point of time and his services are stopped.

16. Ex. M-1(a) to Ex. M-5(a) are the Original "Special Service Contract" entered between the Bank and this Workman to provide work as a Night Watchman as there was no facility of Strong Room to keep the cash in several Rural Banks. The law of appointment to this workman are based on the commencement of the Contract. The Management took a decision to terminate the contract by virtue of Board decision after 1979.

17. It is true that the I party gave sufficient representations to consider his candidature for any suitable employment in the Bank by virtue of his previous services. The Management have not stated why this continuous representations of this workman was not considered.

18. However, it is too late in a day to consider the contention of the I party for his reinstatement or any monetary benefits.

19. The law is well settled that the termination of the services of a workman as a result of non-renewal of contract of employment between the employer and the workman concerned on its expiry or all such contract being terminated under the stipulation in that event shall not constitute retrenchment (K. Govindan Reddy V/s. A. P. Dairy Development Co-operative Federation Limited, FJR, Vol. 76, Page 185 (AP High Court)).

20. Clause 2 and Clause 6 of Special Service Contract covered this aspect of the matter. In view of these circumstances the following order is made.

ORDER

21. The prayer of the I party for reinstatement in service and arrears of difference in emoluments are found to be not supported by any materials. Therefore the I party are justified in not extending the demand for reinstatement and payment of difference in wages. Consequently this reference is rejected.

JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली, 14 सितम्बर, 1999

का. आ. 2742.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मालप्रभा ग्रामीण बैंक, हुब्ली के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण बंगलूर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-09-1999 को प्राप्त हुआ था।

[सं. एन-12012/58/89-आई आर (बी-1)]

जी. राय, डेस्क अधिकारी

New Delhi, the 14th September, 1999

S.O. 2742.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Malaprabha Gramina Bank and their workman, which was received by the Central Government on 14-09-1999.

[No. L-12012/58/89-IR(B-I)]

G. ROY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated: 3-9-1999

PRESENT:

Justice R. Ramakrishna, Presiding Officer.

C.R. No. 89/89

I PARTY

The General Secretary,
Malaprabha Gramina Bank,
Employees Union,
Hubli.

II PARTY

The Chairman,
Malaprabha Gramina Bank,
Dharwad.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-12012/58/89/IR(B-I) dated 4-12-1989 on the following schedule:

SCHEDULE

"Whether the action of the management of Malaprabha Gramina Bank in not regularising Shri M. H. Keelv, Messenger and terminating his services is justified? If not, to what relief the concerned workman is entitled?"

2. A reading of the schedule shows that the management should justify non-regularisation of service and termination of the first party.

3. The concerned workman is M. H. Keely, the General Secretary of Malaprabha Grameen Bank Employees Union espoused the cause of this workman as a recognised union.

4. It is contended that the first party was joined as a Messenger cum-Sweeper in December 1979 at Second Party's Head Office at Dharwad. The second party paid wages ranging from Rs. 3 to Rs. 5 per day by taking signatures on debit slips. His services are made use for bringing petty cash from Syndicate Bank's main branch, taking parcels to KSRTC bus stand, delivering letters etc. Some of the officers are used his services for domestic work also. Though he was honest and hard working; the second party without regularising his services terminated him from service on 1-4-1982. His further contention is that no termination notice was given to him nor any compensation was made. His efforts to get back the work was not successful therefore, he raised an industrial dispute. Due to non-co-operation of the second party the dispute ended in failure and this reference is made for adjudication.

5. The second party in their counter statement have denied almost all averments made in the claim statement. They also denied of having appointed the workman as a messenger-cum-sweeper on the ground that there was no provision before 1980 for such appointment except to engage local persons for sweeping and watering at a low cost structure to ameliorate the economic conditions of weaker section of the society with an over all objective of developing rural economy.

6. The second party also referred to the Government of India guidelines in :-

- (1) F. 4-27/75-Ac dated 26-11-1975.
- (2) F. 2-27/80-RRB dated 27-9-1980.
- (3) F. 2-27/80-RRB dated 16-12-1980.
- (4) F. 7(4)-84-RRB dated 8-10-1984.

7. They have further contended as per the available records, this workman had received Rs. 5 as sweeping charges per day and his services were totally availed for 9 days during the period of four months from January to April 1982. The ledger extracts shows that he has worked as a 'Badli Worker'. They also denied the discrimination aspect of the matter propounded by the first party as it regards, regularisation of other part time messenger discarding the entitlement of this workman. They have further denied the contention of the first party that his services were illegally terminated. They further contended that this workman disassociated with this bank during April 1982 whereas the regularisation, first of its kind of his co-workers who continued to be associated with the second party, took place in the year 1987.

8. Since there was no scope for framing any additional issues, this tribunal decided vide its order dated 22-11-90 to record the evidence on the point for determination contained in the schedule.

9. The second party have examined a messenger of the bank as MW1 and a Sr. Manager as MW2. The workman was examined as WW1.

10. The evidence of MW1 is to show that there was no termination of this workman and he was not entitled for regularisation. This witness who is presently working as a messenger has stated that he know the workman. He further says that he was working on daily wages as sweeper after he has been introduced by this workman. He was asked to work for 15 days as first party has to attend some examinations. This was in September 1981. This workman came back in October 1981. Before his coming, this witness was working from September to October at daily wages on Rs. 5. The duration of work was four hours. When this first party came he is stated working in the same position. During December 1981 at the instance of the workman this witness again worked on daily wages from December 1981 to February 1982. During March 1982 this workman left the service and this witness was taken to work in his place. Later his post was confirmed w.e.f. 1-6-1987. According to him this workman who left during March 1982 never returned to the bank to claim his employment.

11. In the cross examination, this witness has stated that the time he was working there were 3 messengers-cum-sweepers including this workman. He has denied of having doing domestic work in the house of MW2. He has shown his ignorance of this workman visiting the bank to get back his work.

12. MW2 Shri Nagaraj, the then Sr. Manager has deposed that the first party workman was taken as a Casual Badli worker as there was no regular sweepers appointed in that bank. Therefore, they used to engage casual labourers on daily wage basis. During the absence of casual labourers the first party workman used to work in their place doing sweeping of the premises, cleaning of the furnitures and bringing water. His work was an hour or two. There were no circulars prior to 1975 as the rural bank came into existence only 1975. The services of the workman was not continuous and after one hour of his work the bank was not required his services.

13. In 1982, the first party worked 9 to 13 days and he has not been terminated from service, in fact he was not to be seen after 1-4-92. The bank was paying Rs. 5 per day and the same charges used to be paid to other workers who used to work one hour per day. The reference was made to the circulars Exs. M1 to M4. He has further deposed that after 1982, the first party has not approached the management. Only in 1985 through the union a representation was sent. Between 1982 and 1985 the first party did not approach the management. The contention of the union and the representation was rejected by the second party.

14. As against this evidence, the evidence of the first party is that he worked from the year 1979 to 1982 as a messenger and his working hours was 8 AM to 8 PM. He was working in the house of the officers during holidays. He has stated the nature of work he was doing which was similar to a permanent sub-staff. He also spoke about obtaining a loan from the bank to purchase a Buffalo and supplying the milk to the Manager. His further case is that the debit vouchers used to be prepared in the name of Mohana and Hanumantha to the payment used to be debited in their account. He has also stated that on 1-4-82 he had a quarrel with MW2 and then informed him not to come to the work.

15. In the cross examination this witness has stated that he was working on daily wage basis and his payment used to be made as shown in Ex. M5. He has denied that the work entrusted to him was only for one to two hours per day. He has accepted that the daily wage was Rs. 5. He has also accepted the nature of work consisted of cleaning the furnitures and bringing drinking water. He has denied that he has worked only 9 days from January 1982 to April 1982. He has also admitted that he has not given any written representation for providing work after April 1982.

16. If we analyse the evidence placed before the tribunal it is crystal clear that the first party was engaged as a daily wager to substitute the work of permanent workmen in their absence. It is also proved that after April 1982 he did not turn up to the bank for work. It is also proved that MW1 another daily wager was provided regularisation during 1987.

1. As per Ex. M1, document categorised at Sl. No. 1 in the counter statement, is an extract of an order by the Government of India by laying down the scales of pay in respect of Branch Manager, Field Officers, Clerks and Junior Clerks. Since the specific direction that no persons or their equivalent could be employed by the Regional Rural Banks, those reported to have been appointed already may be dispensed with immediately. There is, however, no objection the employment of Sweepers by the Regional Rural Bank. In Ex. M2 dated 27-9-89 a specific reference was made that though there is no need to appoint full-time messengers, the Regional Rural Banks may appoint messengers on daily wages keeping in view the local conditions and requirements. The wages can be determined with reference to the hours of work done in a day. Ex. M3 is a circular to find out the norms of service conditions to the daily wages messengers and criteria for appointing messengers. Ex. M4 is another circular regarding creation of posts of messengers.

18. The above material clearly discloses that this workman was not an award staff and his engagement depended upon the exigencies of the bank and also the fact being proved that there was no continuity of service of this workman, there is no question of any termination of service in the legal sense.

19. As it regards to the question on regularisation, this workman has not fulfilled the statutory conditions for consideration of regularisation in accordance with Ex. M4, he is not entitled for an order of regularisation. Since his last working day, as admitted by him, is during April 1982, no relief can be granted after lapse of 17 years.

20. In the facts and circumstances discussed above, the following order is made :—

ORDER

The reference is rejected.

JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली. 30 अगस्त, 1999

का. आ. 2743.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विशाखापटनम पोर्ट ट्रस्ट के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, विशाखापटनम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-8-99 को प्राप्त हुआ था।

[सं. एल-34011/9/96-आई आर (विवाद)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 30th August, 1999

S.O. 2743.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Visakhapatnam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Visakhapatnam Port Trust and their workmen, which was received by the Central Government on 30-8-99.

[No. L-34011/9/96-IR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

IN THE COURT OF INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT : VISAKHAPATNAM

PRESENT :

Sri C. Somhasiva Rao, M.A., B.L., Chairman and Presiding Officer.

Monday, the 12th day of July, 1999

I.T.D.(C)4/97

Ref. No. L-34011/9/96-V(Misc.) dt. 13-1-97

BETWEEN :

The General Secretary,
Port & Dock Employees Association,
14-25-32A, Dandu Bazar,

Maharanipota, Visakhapatnam-2 ..Workman

AND

The Chairman,
Visakhapatnam Port Trust,
Visakhapatnam 530035. .. Management.

This dispute coming on for final hearing before me in the presence of the workmen in person and the management in person, upon hearing the arguments of both sides and on perusing the entire material on record, the court passed the following :

AWARD

(1) This is a reference made by the Government of India under Sec. 10 of Sub-Sec. 2(A)(1) clause (d) of the Industrial Disputes Act, 1947 for adjudication, which the terms of reference is as follows :

"Whether the action of the management of Visakhapatnam Port Trust in not paying the incentive Scheme arrears from the date of free time enhanced from 4 hours to 2-1/2 hours during the period from 1989 to 20-9-95 is justified? If not, to what relief the workmen are entitled?

(2) The facts of the claim statement filed by the petitioner are briefly as follows : It is submitted that the petitioner's union is a registered one and having about 2000 members out of 10,000 employees working in the respondent organisation. Out of 10 departments, the mechanical department is a major one under which the Ore Handling Complex section is functioning the export of iron ore to Japan nearly 7 million tonnes and it constitutes 1/5 of total cargo handled by VPT. About 1200 employees are working in this section in various sections. The port is paying hire charges for the wagons hired from Indian Railways. The Railways allowed four hours free time for unloading of each iron ore rake (of 50 wagons) and prompt despatch of Train within four hours. If the train consisting of 50 wagons could not be despatched within four hours free time allowed, the port trust is liable to pay demurrage charges to the Indian Railways depending upon the detention of Train beyond four hours free time allowed by the Railways. In order to avoid payment of demurrages for the late despatch of train an incentive scheme was introduced in OHS w.e.f. 24-3-86. As per the scheme, 30 ps. per each ton will be paid as incentive to the workers of the section and the free time for each iron ore rake was increased to 8-1/2 hours from 4 hrs. by railways as per the agreement reached between SE Railway and the Port Trust. Even though the Port Trust enjoyed free time of 8-1/2 hrs. from 1-4-89 and saved from payment of demurrage charges the management agreed to pay the incentive of 30 ps. duly reckoning the free time of 8-1/2 hrs. only from 21-9-95 which is baseless and unilateral. It is submitted that the workers are entitled for payment of incentive of 30 ps. per ton right from the date of increase of free time from 1-4-89 but not from 21-9-95. The decision of the said payment by the management w.e.f. 21-9-95 results the workers depriving off the monetary benefit and privilage of incentive due to calculation of incentive taking four hours free time for the period from 1-4-89 to 20-9-95 and beyond 4 hrs. free time the incentive was not calculated and

paid for the above particular period of 6 years 4 months and 20 days. This was raised before the conciliation officer by the management that Government's approval was received only in 1994 and that after watching the performance of the progress of plant operations at Ore Handling Complex, the decision taken to pay the incentive for trains despatched within 8-1/2 hrs. free time, w.e.f. 21-9-95, does not hold water. The Action of the management is not justified.

(4) For that the management filed a counter statement denying the allegations made in the petition. It is submitted that the Ore Handling Complex incentive scheme was introduced w.e.f. 24-3-86 and the free time is 4 hrs. So the staff who are covered under the said scheme were only getting incentive for 4 hrs. w.e.f. 24-3-86. The free time increased w.e.f. 1-4-89, and the hire charges of cakes were also enhanced. In 1994 Government's approval to continue the scheme was received, which was based on the recommendations of A.P. Productivity Council with free time of 8-1/2 hrs. As per the agreement the incentive amount for free time for 8-1/2 hrs. was implemented w.e.f. 21-9-95. Thus, the action of the management is legal and justified. The allegation of the petitioner that increase in free time should be from 1-4-89 for the purpose of payment of arrears of the scheme is not tenable. It could only come into effect from 21-9-95 in term of agreement.

(5) No evidence is adduced by both parties either oral or documentary. The points that arise for consideration are :

(1) Whether the action of the management in not paying the incentive scheme arrears from the date of free time enhanced from 4 hrs. to 8 hrs. during the period from 1989 to 20-9-95 is justified ?

(2) To what relief the workmen are entitled ?

(6) Point No. 1.—As per the arguments submitted by the workmen union that the free time allowed by the Railways for 4 hrs. was enhanced to 8½ hrs. w.e.f. 1-4-89 as per the agreement entered into between the respondent management and Indian Railways. It is also mentioned in the arguments that enhancement in the free time allowed by Indian Railways had to be invariably implemented w.e.f. 1-4-89 for the calculation of incentive payable to the workers of OHC and the contention of management that the same was implemented w.e.f. 21-9-95, as per the agreement, is not maintainable. The enhanced free time was made applicable with prospective date but it could not be retrospective and is not based on valid grounds. The management has to implement the same w.e.f. 1-4-89 as per the agreement reached between the respondent and the Indian Railway. It is submitted in the arguments of workers that the petitioner union is a recognised one as per the law and hence the stand taken by the management is not correct. Having attained the status of recognition through the orders of Hon'ble High Court of A.P. the management is bound to consult the petitioner union along with other recognised union and it cannot escape consulting the negotiating with the petitioner union of the

score. The scheme approved by government in 1995 is not correct. The Government have approved the scheme to pay 30ns. per tonne in the year 1985 and it is a typographical mistake that the year of approval was mentioned in the claim statement as 1995 instead of 1985, which can not be taken advantage by respondent. The conciliation held on 6-9-96 by ALC and the management agreed before ALC that the government approval is in 1994 which has no relevancy at all. But the management submitted that initially free time allowed by Indian Railways was only four hours and such of these staff who are covered under the incentive scheme were only getting incentive for four hours w.e.f. 24-3-86. Subsequently in pursuance of an agreement entered into between respondent and Indian Railways the free time allowed was increased from 4 hrs. to 8-1/2 hrs. with effect from 1-4-89 and the hire charges of cakes work also enhanced by three times than previous rates in 1994. Government approval to continue the scheme was received, which was based on the recommendation of A. P. Productivity council. So, the respondent is acting as per the directions of the Government and the Port Trust is a Central Government and it should follow the Rules and regulation as per the directions of the government as it is a public enterprises which is bound to follow the guidelines and rules given by the government. In this case the management acted as per the rules and directions given by the government and it cannot give a go by to the directions of the government. Hence the management is justified in giving the benefit of incentive scheme in Ore Handling Complex w.e.f. 21-9-95 and not earlier to that date in terms of agreement as the free time allowance which was increased from 4 hrs. to 8½ hrs. Hence the relief sought for the workmen cannot be granted.

(7) Point No. 2.—In view of the findings given above, the workman are not entitled to any relief as prayed for. The reference is answered accordingly.

Dictated to steno transcribed by her given under my hand and seal of the court this the 12th day of July, 1999.

C. SAMBASIVA RAO, Presiding Officer

Appendix of Evidence

Witnesses Examined for

Workman : None. Management : None.

Documents marked for workman : Nil.

Documents marked for Management : Nil.

नई दिल्ली, 30 अगस्त, 1999

क्र. आ. 2744.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विशाखापटनम डोक लेबर बोर्ड के प्रत्यक्षतः के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण विशाखापटनम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-8-99 को प्राप्त हुआ था :

[सं. एल-34012/8/97-आई. आर. (विविध)]

डी. एम. डेविड, हेल्ड अधिकारी

New Delhi, the 30th August, 1999

S.O. 2744.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Visakhapatnam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Visakhapatnam Dock Labour Board and their workman, which was received by the Central Government on 30-8-99.

[No. L-34012/8/97-IR (Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

IN THE COURT OF INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, VISAKHAPATNAM
PRESENT:

Sri C. Sambasiva Rao, M.A., B.L., Chairman & Presiding Officer.

Saturday, the 17th day of July, 1999

I.T.I.D.(C) No. 1/98

Ref. No. L-34012/8/97-IR (Misc.) dated 31-12-97

BETWEEN

P. Someswara Rao,
C/o S. Rama Rao,
D. No. 4-110 Akkiraddypalem
BHPV Post, Vishakhapatnam. . . Workman

AND

The Deputy Chairman,
Visakhapatnam Dock Labour Board,
Port Area,

Visakhapatnam-530 035. . . Management.

This dispute coming on for final hearing before me in the presence of Sri B. Chitti Babu Advocate for workman and of Sri B. Gowri Sankara Raju, Advocate for management, upon hearing the arguments of both sides and on perusing the entire material on record, the court passed the following :

AWARD

(1) This is a reference made by the Government of India under Sec. 10(2)(A)(1)(d) of the Industrial Disputes Act, 1947. The reference made is as follows:

“Whether the action of the management of Visakhapatnam Dock Labour Board, Visakhapatnam in terminating the services of Shri P. Someswara Rao, w.e.f. 28-1-92 without following the procedure laid down under I.D. Act is justified? If not to what relief the concerned workman is entitled to?”

(2) The allegation in the claim statement filed by the workman are briefly as follows : He submitted that the Dock Labour Board has been running a canteen since 1975 and he was appointed as a token vender on 18-8-88 and the salary was paid by it only. The staff were also paid Festival Advance and Bonus. P.F. also was deducted from the salaries, uniforms were given, Medical treatment was also provided by the

DLB hospital. He submitted that Sri P. V. Krishna, Labour Welfare Officer was nominated in April, 1990 and as the canteen was incurring losses, the workman was entrusted with canteen management in Aug. 1990 and Sri P. Saradhi used to assist him and was allowed to stay in a room adjacent to the canteen. He contended that he was suddenly summoned to office on 28-1-92 and after taking a false statement from him that he was supplying Rs. 500 worth of provisions to the President every month, he was terminated and was asked to vacate the room immediately. He contended that he worked in different capacities from 18-8-77 to 27-1-92 and the action of the management is illegal without following the principles of natural justice. He further stated that he was not decent from duties and the management foiled in the conciliation proceedings dt. 14-7-97 before the Asst. Labour Commissioner (Central). The action of the management is illegal.

(3) An additional claim statement also filed by the workman stating that his last drawn salary is Rs. 1000 per month. Apart from that he used to draw bonus, festival advance etc. The petitioner further submitted that a letter was obtained forcibly on 27-1-92 by the management and after that he was terminated from service. He further submitted that he did not commit any misconduct and he denied that he left the services on his accord. Hence he prayed for reinstatement with full back wages and continuity of service.

(4) Unfortunately after so many adjournments the management filed rejoinder statement to substance the defence raised by it.

In the counter statement filed by the management it is stated that it is running the canteen as a welfare measure for its workmen and employees and maintaining the workman of canteen through a committee nominated by the management, VDLBCC (Visakhapatnam Dock Labour Board Canteen Committee). Through the management of VDLBCC releasing grants to the canteen committee to maintain and running of the canteen is entrusted to the committee consisting of nominated officials from the management and the representatives from the Visakhapatnam Dock Labour Board workman unions. It is submitted that the workman work in the canteen on various works from 1988 to January, 1992. It further submitted that an amount of Rs. 3,020 had been deposited with the commissioner of Provident Fund, under P.F. Account No. 20/22567 of the workman. It is contended that the petitioner himself had not reported to his duties from Feb., 1992 and after waiting along period the vacancy was filed. After 4 years the petitioner submitted a representation in the month of Sept., 1996 for his reinstatement and so he has no right to raise the dispute after a lapse of 4 years. The petitioner raised a dispute before the ALC Central on 10-7-97 when the management was seriously considering the representation made by the petitioner in the month of September, 1996. An opportunity was also been given to the petitioner inviting for the interview held on 28-7-97 at 10.30 a.m. but the petitioner failed to report before the interview. As such the vacancy was filled subsequently after

waiting long time and therefore the petitioner is not entitled to the claims as prayed by him. The petition is liable to be dismissed.

(5) The workman examined himself as WW1 and marked Exs. W1 to W11. No evidence is adduced by the management either oral or documentary.

(6) The points for consideration are :

(1) Whether the reference referred above that the workman is entitled to reinstatement and the termination is illegal?

(2) What are the consequential reliefs the workman is entitled to ?

(7) Point No. 1 : As could be seen from the evidence of the workman before this court he deposed that he joined in the canteen of the management on 18-8-88 on a monthly salary of Rs. 500 and in May, 1990 he was promoted as a Manager. He deposed that Sri R. Sudhakar, Dy. Chairman made a complaint against P. V. Krishna and every month he used to take a letter from him without any date. He also deposed that on 27-1-92 he was abruptly stopped from attending to duty and no show cause notice was given prior to termination. His representation to the management is Ex. W1, parawise remarks before conciliation officer is Ex. W2, a letter to Dy. Chairman by him is Ex. W3 & W4 is a letter to DCL, Visakhapatnam by him, Exs. W5 to W7 are the postal acknowledgements, Ex. W8 is receipt of the order under certificate of posting, Ex. W9 is B.A. Degree graduation at the end of second year December, 1997 Ex. W10 is employment card and Ex. W11 is typewriting certificate in English higher grade. He denied that he received interview call under Ex. W10. He deposed that he was monthly salary at the time of termination Rs. 1000 and the management took his signature on revenue stamp.

With regard to the joining of service by the management in the year 1988 on a monthly salary of Rs. 500/- there is no dispute. There is also no dispute that he was subsequently promoted as Manager and he was drawing monthly salary of Rs. 1000/- on various benefits were confirmed to him by P.F., medical benefits, bonus etc. It is the contention of the management that from 27-1-92 the workman stopped coming to duty. Obviously the management wants to say it is not a case of retrenchment but voluntary stoppage of work calling section 2(oo) clause (a) of I. D. Act. It is a really stoppage of work or the management forcedly stopped him to not attend to work as could be the best evidence to produce all the attendance registers and when the workman worked for four years and really he stopped to coming to work it is the duty of the management to issue notice to the workman regarding his continuous absence and proposed action to be taken but an offer of re-employment was made which obviously the management did after workman approaching Asstt. Labour Commissioner as admittedly by the management. But it is the case of the workman that he sought appointment and continuity of service whereas the management plea is that he did not attend the interview. Even in Ex. W1 the workman

addressing a letter which is in the records dated 25-8-97, it is mentioned that in the meeting before the Asstt. Labour Commissioner (C) enquired whether any notice to the workman asking him to report for duty was served by the management and the management representative Sri P. Sekhar Babu, AO replied negatively and that information was not included in the conciliation proceedings. The workman specifically mentioned that there is no termination and the management did not allow him to discharge his duties. The termination is only an oral termination and he addressed a letter dated 23-7-97 to the Secretary, to Government of India, Ministry of Labour, New Delhi stating that the conciliation was filed. It is a letter by the management dated 19-7-97 the plea which is taken in the counter was mentioned by the Administrative Officer. But nowhere it is stated even in this letter after four years when the workman worked he absented from duties as alleged and a notice was given by the management to show cause while terminating the services. Though the management contended that it has called for applications and gave opportunity to the workman also to attend interview which was denied by the workman. The workman produced Ex. W10 his employment card which does not show calling him for employment by the management, during the years 1979-94. If really the management has given opportunity to the workman and informed to appear in the recruitment process it could have laid the necessary papers before the court at once. Even in the pleadings before the conciliation officer the management did not plead the same thing. So it is only an after thought such a plea was taken by the management. So when once it is the case of the management that the post has fallen vacant and it is filled up later as contended by it if he is in service for more than 240 days under Sec. 25N, three months notice under Sec. 25N (a) should be given since it is under the supervision of the Government permission is required by the appropriate government by making notification under Sec. 25(N)(d) which is not done in this case. Hence the absence alleged by the management is only to prevent the workman of attending duty obviously it did not want to be pinned enquiry coming to the court to prove the case by producing relevant documents evidence. So the reference is answered that the termination of the workman w.e.f. 28-1-92 is not justified. Coming to the relief sought for by the workman of subsequent wages benefits, admittedly even as per the case of the workman the application was filed on 25-9-96 seeking appointment and prior to it there was no such representation. So only from the date he is entitled to the financial benefits and not earlier. If there is no post vacant as contended by the management, even if it is accepted, considering that the removal of the workman is illegal, if necessary the supernumerary post has to be created till alternative arrangement is made for appointment in a regular post.

8. Point No. 2 : In view of the findings given above, award is passed holding that the removal of the workman w.e.f. 18-8-88 is hold to be illegal and he is entitled for reinstatement with back wages from 25-9-96 and with continuity of service. In the

circumstances of the case there shall be no order as to costs. The reference is answered accordingly.

Dictated to steno transcribed by her given under my hand and seal of the court this the 17th day of July, 1999.

C. SAMBASIVA RAO, Presiding Officer
Appendix of Evidence
Witnesses Examined For

Workman : None Management None.
Documents marked for workman :

- Ex. W1 25-8-99—Letter addressed to the Secretary to Government of India, Ministry of Labour, New Delhi by the workman.
- Ex. W2 14-7-97.—Comments of VDLR on the representation dt. 10-4-97.
- Ex. W3 10-4-97.—Letter addressed to the Dy. Chairman by the workman.
- Ex. W4 10-4-97.—Letter addressed to the D.C.L. Visakhapatnam by the workman.
- Ex. W5 25-8-97.—Postal Acknowledged.
- Ex. W6 12-9-97.—Postal Acknowledgement.
- Ex. W7.—Postal Acknowledgement.
- Ex. W8 27-8-97.—Receipt of the order certificate of posting.
- Ex. W9 15-4-98.—B. A. Degree Examination at the end of Second year Dec. 97.
- Ex. W10.—Employment card.
- Ex. W11 30-11-85.—Type writing English (higher) Certificate.

नई दिल्ली, 30 अगस्त, 1999

का.आ. 2745.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत गोल्ड माइन्स लि. के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, जटिलता में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलौर के पंचाट को प्रेषित करती है, जो केन्द्रीय सरकार को 30-08-99 को प्राप्त हुआ था।

[सं. एन-43012/7/91—आई.आर. (विविध)]
बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 30th August, 1999

S.O. 2745.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bharat Gold Mines Ltd., and their work-

man, which was received by the Central Government on the 30-8-99.

[No. L-43012/7/91-IR (Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM LABOUR
COURT : BANGALORE

Dated the 24th August, 1999

PRESENT :

Justice R. Ramakrishna, Presiding Officer.

C. R. No. 50/91

I PARTY

M. Manoharan,
Represented by
Shri V. Armugam,
President,
BGML Labour Association,
Near Hockey Grounds,
Oorgaum Post,
KGF-563 120

II PARTY

The Management of
M/s. Bharat Gold Mines Ltd.,
Represented by its
Managing Director,
Oorgaum,
KGF-563 120

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2A of the section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-43012/7/91-IR (Misc.) dated 22-7-91 on the following schedule :

SCHEDULE

"Whether the action taken by the management of BGML, KGF, in dismissing Shri M. Manoharan from service on charges of unauthorised absence from duty and their subsequent failure to consider his case for a surface job is correct and justifiable. If not, to what relief he is entitled ?"

2. A reading of the schedule gives a clear picture that this Tribunal is required to give its findings not only on the question of dismissal but also on the action of the management in not considering the case of this workman for a surface job after his dismissal, for unauthorised absence.

3. Therefore, we have to examine this case either in a different context than what we adopt in a case of dismissal for an authorised absent.

4. In fact this Tribunal felt the need to give a finding on the validity of domestic enquiry with a view to gather the necessary materials which are required for con-

sideration to answer the second part of the direction made in the schedule.

5. On the preliminary issue regarding the validity of domestic enquiry this Tribunal gathered the materials that this workman was absent for duty continuously from 15-12-87 till the date of notice dated 1-8-88. Admittedly the notices issued to this workman in respect of conducting a domestic enquiry on the allegation of unauthorised absence was not at all served. The enquiry officer found that the non service of notice was due to continuous absence of this party in the address given by him and therefore, he has proceeded to conduct an ex-parte enquiry. He has considered the evidence of 2 witnesses as it regards to the unauthorised absent and submitted a report. Disciplinary authority also failed to communicate the report of the enquiry officer and in the absence of any explanation, passed an order of dismissal from service without notice or any compensation in lieu of notice w.e.f. 27-10-88.

6. This workman raised an industrial dispute. His main contention in the claim statement is that he joined the Nandi Durg Mines as a General Labour in the year 1997. When the work of this workman was assigned to Khetri project, he has met with an accident and lost one of his toes in 1984. He has given 3 percent compensation and transferred to KGF on 28-3-87 at Golconda Shift Nandi Durg Mines. He has once again met with an accident and he was continuously treated at BGML hospital by the CMO and also at NIMHANS, Bangalore under Dr. N. Janaki Ramaiya. Therefore, his main contention is that he was in continuous treatment which fact is known to the management as the communication was made by the CMO and also due to the fact, he was suffering from both internal and external injuries and also due to the fact he has developed fear Psychosis and also he has developed PARANOID SCHIZOPHRENIA. He was unable to contact the management and therefore, an order of dismissal in his absence is legally unsustainable. He has also made out a case that this fact was made known to the management by the CMO after he has been approached by the Doctors at NIMHANS and in this regard the CMO advised the management to give a light work at surface as he is physically unable to work in the underground.

7. His further contention is that since the management failed to consider these aspects of the matter and also allowed this workman to suffer through out without a job and without money for his medical treatment he is entitled for all benefits laid under law.

8. The second party in their counter statement have not denied the fact that this workman involved in the accident inside the mines and was taking treatment. But their contention is that he was found absent without any intimation and by taking into consideration his tendency to remain absent previous to 1987, they have initiated a domestic enquiry. Since the notices are returned unserved to the address given by the workman, they are obliged to conduct an ex-parte enquiry.

9. In para 6 of the counter statement the second party contents that :—

"The Chief Medical Officer has not advised for considering him for work on surface. How-

ever even assuming but not conceding that there is such a recommendation the same cannot be a binding recommendation since the manpower planning and the procedure of recruitment etc., are the prerogative of the 11nd party and not of the medical establishment and as such the said question does not arise for consideration at all. Without prejudice to all other contentions it is submitted that the question of re-employment does not arise at all since the company itself is facing financial crisis and is on the verge of being declared a sick industry."

10. The case of the second party appears to be that they can only consider his re-appointment in the underground and not on the surface.

11. On the question of the validity of domestic enquiry we have taken into consideration the undisputed facts and on the assumption that the enquiry officer not successful to serve the notice to this workman and proceeded to decide this matter ex-parte. He has also taken into consideration the material facts produced before him by the management. Therefore, one cannot find fault with the enquiry officer or to give a finding on the allegation having proved. Therefore, we have held the domestic enquiry in favour of the management.

12. The learned advocate for the second party, Smt. Sujata has submitted that the management due to continuous absence of this workman decided to conduct a domestic enquiry. Consequently a charge sheet was issued but it was not served to the first party. Therefore, the management decided to conduct a domestic enquiry by appointing MW1 Manoharan as the Enquiry Officer. Therefore, the report of the enquiry officer which is based on the evidence produced by the management prima facie shown that this workman was absent without taking any permission and therefore, the management obliged to issue an order of dismissal, which does not call for any interference.

13. Initially this workman was represented by a learned advocate. Later another advocate filed vakalat for this party. On 8-6-99 the first party, to the best reason known to him, has submitted before this Tribunal that he no more requires the assistance of an advocate and he may be permitted to conduct his case personally. Infact he made an appeal for deciding this dispute early as he is without any job from the date of his accident in the year 1987 till date. He has been deprived of his employment and resultant income and he has to bear medical expenses as the impact of the accident is still troubling him in one way or another.

14. I proceeded to give a finding on the validity of domestic enquiry since that issue requires determination before considering the merit of the case. Admittedly the first party was absent in the enquiry and according to him he has not received any communication. On the contrary the second party mentioned that they tried their level best to serve the notice but they are not successful. In this background we have to appreciate the merits of the case.

15. The first party in the evidence given on 29-6-99 has deposed that he was working continuously until he met with an accident during 1987. Due to the accident he lost his consciousness he was brought to the surface by the rescue party. He was treated at BGML hospital for one month. Later he was transferred to NIMHANS for further treatment.

16. As directed by this court he has produced some documents maintained in his custody for proper appreciation of his case. Ex. M7 is the service book of this workman. It discloses that from December 1987 to October 1988 this workman was absent continuously. The management to conduct the domestic enquiry have taken into consideration the above fact and also his previous attendance where this workman used to remain absent some days in a month. Though the management is at liberty to take this fact into consideration and since a domestic enquiry is confined to continuous absent from December 1987. We have to examine these aspects of the matter.

17. First party produced some documents in his custody along with the list on 3-8-99. We had no scope to mark this documents as exhibits, in view of the fact that there was no occasion created for this purpose. Since these documents are not fabricated documents, there is no impediment to place reliance on them for a limited purpose for appreciating the case made out by this workman.

18. It is undisputed that this workman was met with an accident inside the mines when he was on duty. For the purposes of convenience and proper understanding these documents I now marked as court exhibits. Ex. C1 dated 4-7-87, Ex. C2 dated 30-7-87, Ex. C3 dated 24-8-87 clearly establishes that this workman was referred to NIMHANS for treatment after he has been treated at BGML hospital. Infact in Ex. C2 the CMO addressed to the Psychiatrist for examination as this workman is suffering from fear complex. Ex. C4 dated 24-8-87 is another letter addressed to the Consultant Psychiatrist where it is specifically indicated that he was developed acute psychosis with fear complex following an accident at work three months ago. Ex. C5 dated 1-8-87 is a letter addressed to CMO by Dr. N. K. Ramaiya, associate professor of Psychiatrist. In this letter the Doctor opined that on examination of this workman it is found that he is suffering from Post Traumatic Stress disorder following the accident on 25-8-87. He also indicated that this workman had earlier met with an accident in the year 1981. He opined that considering his psychiatric condition it will be beneficial to keep him away from underground duty and to assign on an alternative duty.

19. Ex. C6 is a letter of CMO to the APM Nundydroog Mine Oorgam dated 9-2-1989. In this letter it is stated that :—

“Regarding the above employee, we had written to you earlier (vide our Memo ME/42/89 dt. 7-1-89 addressed to the Manager N. D. Mine), who has been terminated from service under the impression that he was neither attending hospital nor work. He was during this time attending NIMHANS for his medical problem of which fact you may

not have been aware. It is suggested that in view of this the matter could be opened up again.”

20. This workman also addresses a letter to the management dated 5-3-90 marked as Ex. C7 disclosing the reasons for his absence. Ex. C8 is another letter addressed to Managing Director dated 21st March 1990. Infact the CMO vide his letter dated 28-4-89 marked as Ex. C9, gives his opinion that this workman has been examined and he is unfit for underground and the reason being 'Paranoid Schizophrenia'. In this letter the CMO drew the reference to a letter dated 18-8-89 addressed to him i.e. long after the dismissal of this workman. Infact Dr. N. Janaki Ramaiya addressee a letter to Asstt. Labour Commissioner dated 20-2-91 as follows :—

Shri C.N.S. Nair,
Asstt. Labour Commissioner (Central
Sahayak Shram Ayukth (Kengriya) Ka
Karyalaya,
College Road, Oorgam,
K.G.F.-563 120.

Dear Sri Nair,

Sub : Industrial dispute raised by Sri M. Manogaran, an Ex. Employee of BGML, KGF.

Ref. : Your letter No. 5/14/90-A/K dt. 18-2-91
Mr. Manoharan (P/73817) was referred to NIMHANS by CMO of Bharat Gold Mines Ltd., on 4th July 1987. On examination, he was found to have adjustment Reaction and treated accordingly. Subsequently, however, he had to be admitted to the Hospital on 27-8-1987 and discharged on 15-10-1987. He was diagnosed to have paranoid schizophrenia. As he was still sensitive to work underground, he was certified as not fit for work underground. He continued on treatment as an Out-patient and came for regular periodical check ups till 20-2-1991.

Yours sincerely,

DR. N. JANAKIRAMAIAH

21. However, the management showed their reluctance to accommodate this workman as an employee by continuing his service or by appointing fresh to by appointing fresh to work on the surface.

22. Having regard to these facts and circumstances, the second party are not justified in dismissing this workman on charges of unauthorised absence when admittedly he was taking treatment, both as out patient and in patient at NIMHANS and at BGML. The opinion of the doctors is conclusive of the fact that the sufferings this workman was undergoing during that period. It appears the management is anxious to get rid of the workman without any valid reasons though it was brought to the notice that their action in dismissing the services of this workman on the ground on unauthorised absence was erroneous but they are not prepared to accept this fact and continued to deprive this workman of his legitimate rights.

23. The management seems to be much interested in declaring themselves that the company is facing financial crisis and it is on the verge of being declared a sick industry. The above ground cannot be taken to deprive a workman of his legitimate right. The management are not justified in ignoring these admitted facts and driven this workman to spend his time in this litigation wasting his valuable career and age.

24. Having regard to these facts and circumstances I make the following order :—

ORDER

The second party are not justified in dismissing the services of this workman on the plea that he was found absent unauthorisedly and they are also not justified in not considering his case for a surface job. In view of this conclusion, the management are directed to reinstate this workman to work at surface. His continuity of service shall be calculated from the date of his accident till he is reinstated. The management also liable to pay the back wages of this workman at 50 per cent on the last pay drawn from the date of Dismissal till his reinstatement.

The reference is answered accordingly.

JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली, 30 अगस्त, 1999

का.आ. 2746.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत गोल्ड माइन्स लि. के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलौर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-8-99 को प्राप्त हुआ था।

[सं. एन-43012/12/88-डी-III (बी)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 30th August, 1999

S.O. 2746.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bharat Gold Mines Ltd. and their workman, which was received by the Central Government on the 30th August, 1999.

[No. L-43012/12/88-D-III(B)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT: BANGALORE
DATED: 24-8-99

PRESENT:

JUSTICE R. RAMAKRISHNA

PRESIDING OFFICER

C.R. No. 15/89

2704 GI/99-24

I PARTY

Alwar
Residing at Door No. 553,
E.T. Block,
Oorgaum P.O.,
K.G.F.

II PARTY

The Management of Bharat
Gold Mines Ltd.,
By its Chairman-cum
Managing Director,
'Suvarna Dhavan',
Oorgaum P.O.,
K.G.F./563420.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2A of the section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-43012/12/83-D. III(B) dated 24-1-89 on the following schedule:

SCHEDULE

"Whether the Management of B.G.M.L., K.G.F. is justified in dismissing Shri Alwar, Ex-machine man from service w.e.f. 31-3-83. If not, to what relief he is entitled."

2. The first party was dismissed from service w.e.f. 31-3-1983 after conducting a domestic enquiry. The allegation of charge briefly stated as follows:—

3. On 12-4-1981 at about 11.30 A.M. when the detective party employed by the second party made a surprise checking in the activities of this workman, they found that he was indulged in unauthorised drilling with machine collecting the stuff in a basin, and ultimately collecting in a gunny bag along with 5 to 6 other workers neglecting the work allocated. He was caught when he made an endeavour along with other workman to escape from there. In short the allegation is that he was indulged in the theft of misused property which is under the standing order No. 15(b) (2), (28) and (34).

4. This workman denied the charges. The management decided to conduct a domestic enquiry. A personnel officer of the company was appointed as an Enquiry Officer. He has conducted the domestic enquiry and gave a report against this workman. The management accepted the report and passed an order of dismissal from service.

5. Consequent to reference made by the Central Govt. at the instance of this workman, this tribunal registered the case and both parties have filed their respective statements. Since the punishment was preceded by the report of Enquiry Officer in the domestic enquiry, due to the contentions raised by the workman against the fairness of the enquiry this tribunal framed a preliminary issue to give a finding on the validity of the domestic enquiry.

6. To prove the validity of domestic enquiry, the enquiry officer was examined in chief. Unfortunately he was not tendered for cross examination as this witness abruptly disappeared from the court after he was examined by the management. Therefore, this tribunal has taken this fact into consideration and by appreciating the evidence of the workman, the validity of the domestic enquiry held against the management. Consequent to this order this workman filed an application claiming interim relief pending adjudication of this dispute. His application was allowed and the management was ordered to pay interim relief at 50 per cent.

7. Since the validity of domestic enquiry was held against the management they have to prove the misconduct of this workman independently by examining the material witnesses of this point.

8. Lethargy on the part of the management is writ large as no progress was made through the preliminary issue was decided on 12-7-93. Ultimately a retired employee who was one of the member of the detective party was examined as a witness. This incident occurred on 12-4-81. This witness is examined on 13-7-99. The time gap is nearly 20 years. Therefore, it is very difficult for the management to prove the misconduct independently. The evidence of this witness, as a matter of fact is a routine one. There is no corroborated

tion to his evidence. Therefore an isolated evidence of an individual cannot be appreciated legally in a case of this nature. Therefore, this tribunal has to hold that the second party failed to prove the misconduct of this workman independently before this court. Consequent to this reasoning, it is inevitable that the order of dismissal require interference.

9. However, having regard to the indulgence of the workmen in this company being attracted by the theft of yellow metal was on the increase and therefore, there was frequent raids by the detective parties. Since the management failed to establish the misconduct by independent evidence, the following order is made :—

ORDER

The order of dismissal by the management is hereby set aside. The second party is directed to reinstate this workman, if he has not attained the age of superannuation. This tribunal granted interim relief at 50 per cent w.e.f. 12-7-93. Therefore, this workman is entitled for the back wages at the rate of 50 per cent from the date of his dismissal till 12-7-93. There shall be continuity of service for the purpose of terminal benefits. Reference is answered accordingly.

JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली, 30 अगस्त, 1999

का.आ. 2747—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत गोल्ड माइन्स लि. के प्रबन्धन के संबंध में निम्नलिखित और उनके कर्मचारियों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-8-99 को प्राप्त हुआ था।

[सं. एल-43012/6/95-आई.आर. (विविध)]

बी एम. डेविड, डेस्क अधिकारी

New Delhi, the 30th August, 1999

S.O. 2747.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bharat Gold Mines Ltd., and their workman, which was received by the Central Government on the 30-8-99.

[No. L-43012/6/95-IR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM-LABOUR
COURT, BANGALORE

Dated the 24th August, 1999

PRESENT :

Justice R. Ramakrishna, Presiding Officer.

C. R. No. 72/97

I PARTY

The Treasurer,
B. G. M. Workers Anna Trade Union,
Kolar Gold Field, No. 2, M. Block,
Champion Reef,
KOLAR GOLD FIELDS

II PARTY

The Managing Director,
Bharat Gold Mines Ltd.,
"Suvarna Bhavan",
Oorgaum Post,
KOLAR GOLD FIELDS 563 120.

AWARD

1. The Central Government by exercising the powers conferred by Clause (d) of Sub-section (1) and Sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-43012/6/95-IR (Misc) dated 8th August 1995 for adjudication on the following schedule :

SCHEDULE

"Whether the management of BGML is justified in dismissing Shri Ravi, P. E. No. 150523 from services w.e.f. 31-10-1988 for an alleged theft of Rs. 2/- only ? If not, what relief he is entitled to and from which date?"

2. The concerned workman in this dispute is Sri Ravi, P.E. No. 150523. He is dismissed from service after conducting a Joint Enquiry along with one Muniraj. The allegation of charge against this workman alongwith the said Muniraj is as follows :

"On 25-6-88 at about 1-50 p.m. this workman alongwith Muniraj while working at Giffards Shaft were caught Red Handed at 98th level Osborne Shaft, South Drive by U/G detective Party, Watch and Ward Department, while indulging in illegal activity of Gold steeling "

3. The assessment value of the alleged Gold was assessed at Rs. 2' (approx.).

4. This workman has denied the said allegation. The complaints report was : "We patrolled 101 level and came back to plat. At that time we heard blasting sound from top level. While going down to 101 level we had seen one worker standing at 98 plat so when we heard the blasting sound. We came up to 98 level through the cage, it was 1350 hrs. then. The worker who was at the plat on seeing us started running inside. We stopped him and ascertained his name later as Mr. Kuppuswamy, Mate. When we opened the ventilation door we saw two workers sitting near the turn table, one of them started running inside on seeing us. We also started running and we saw some more workers who were near the second turn table towards South of the first turn table started rushing back towards us. We went further towards West of the second turn table. We saw two workers whose names are later ascertained as Muniraj, P. E. No. 150053 and Ravi, P.E. No. 150523 were sitting near the chute at the North side of the third turn table and one wor-

ker whose name was later ascertained as Muniraj, F.E. No. 150053 was sitting and panning GBO powder in his own helmet and the other worker Ravi, P.E. No. 150523 was assisting him to do the illegal activity of stealing gold by focussing his light to him. Both these workers saw us approaching and the worker who was panning with his helmet threw the contents into the chute and they also tried to spill away the GBO pieces which they had kept inside a tin with water."

5. The report of the Enquiry Officer was against both the workmen. The Disciplinary Authority issued show-cause notice and later terminated the services of this workman. They have also forfeited the gratuity in accordance with Section 4(6)(b) (II) of the gratuity Act, 1972.

6. We have framed a preliminary issue to give a finding on the validity of Domestic Enquiry. After assessment of evidence of the Enquiry Officer and this workman, we gave a finding in favour of management.

7. Having regard to the facts and circumstances contained in the charge sheet and the resultant defence taken by this workman we have to decide this dispute solely on the ground whether the punishment of dismissal imposed by the II party on these facts is legally justifiable.

8. The law is well settled that if a finding is given in favour of the Management, as it relates to validity of Domestic Enquiry, this Tribunal cannot sit as an Appellate Court to appraise the evidence afresh to come to a different conclusion. However it is opened for the workman to show that the report of the Enquiry Officer is perverse and the punishment is disproportionate.

9. We are confined ourselves to the question of punishment. The law is also well settled that if the punishment imposed by the Disciplinary Authorities is shockingly disproportionate to the alleged proved misconduct then this Tribunal gets the jurisdiction to interfere under Section 11A of the Industrial Disputes Act, 1947.

10. We have narrated the facts leading to framing of a charge against this workman which smacks the reasoning of the Management to initiate Domestic Enquiry. Admittedly there are several workers found present in that place and it is not a great thing for this detective to pick up any GBO pieces and implicate any workman. Any how this is not the intentment of law. The value admittedly shown as Rs. 2/- Therefore we must find out whether we can extend the benevolent provisions contained under Section 11A to modify the order of dismissal.

11. Section 11A was introduced by the Act 45/71. The section gives discretion to the adjudicating authorities to satisfy with regard to adequacy of punishment of discharge or dismissal and if it is not justified the power to set aside the Order and direct reinstatement of the workman on such terms and conditions, such relief to workman including the award of lesser punishment in lieu of discharge or dismissal as the circumstances of the case warrants. The provision of this section indicates that the adjudicative authorities should rely on materials on records and shall not take any fresh

evidence in relation to this matter for the application of this section.

12. The intentment of Section 11A is imparting jurisdiction to set aside the order of discharge or dismissal of workman and directing for reinstatement. It also had discretion to mould the punishment, including the award of lesser punishment.

13. While extending this benefit the court should also examine the past services of a Workman. If the gravity of the offence is quite negligible and the authorities concerned have not appreciated the previous good conduct of a workman, it will be a fit case to extend this benefit. It was opened for the Management to take this aspect of the matter and Award any lesser punishment, if they so desired, but definitely not a sentence of dismissal.

14. The sentencing policy on the misconduct has been amply dealt in R. M. Parmar v/s. Gujarat Electricity Board, reiterated in (1982) Lab. IC 1031 of Gujarat High Court.

"When different categories of penalties can be imposed in respect of the alleged fault, one of which is dismissal from service, the disciplinary authority perforce is required to consult himself for selecting the most appropriate penalty from out of the range of penalties available that can be imposed, having regard to the nature, content and gravity of the default. Unless the disciplinary authority reaches the conclusion that having regard to the nature, content and magnitude of the fault committed by the employee concerned, it would be absolutely unsafe to retain him in service, the maximum penalty of dismissal cannot be imposed. If a lesser penalty can be imposed without seriously jeopardising the interest of the employer the disciplinary authority cannot impose the maximum penalty of dismissal from service. He is bound to ask the inner voice and rational faculty why a lesser penalty cannot be imposed."

"It cannot be overlooked that by and large it is because the maximum penalty is imposed and total ruination stares one in the eyes that the employee concerned is obliged to approach the Court and avail of the costly and time-consuming machinery to challenge in desperation the order passed by the disciplinary authority. If a lesser penalty was imposed, he might not have been obliged to take recourse to costly legal proceedings which result in loss of public time and also result in considerable hardship and misery to the employee concerned."

15. In the light of the above guidelines and in the fact and circumstances of this case the action of the management in passing an order of dismissal is excessive and not commensurate with the misconduct made and proved in the case.

16. In the result I make the following order.

ORDER

17. The II party are not justified in dismissing the services of this workman on the allegation of theft. The II party is directed to reinstate this Workman to the position he was holding at the time of dismissal. There shall be continuity of service. This workman is entitled for 25 per cent of wages last drawn from the date of his dismissal till his reinstatement.

18. The reference is answered accordingly.

JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली, 30 अगस्त, 1999

का. आ. 2748—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वाटर ट्रेडिंग कॉर्पोरेशन के प्रबन्धन के संबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-8-99 को प्राप्त हुआ था।

[सं. एन-32012/8/92-आई.आर. (विधि)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 30th August, 1999

S.O. 2748—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Water Trading Corporation and their workman, which was received by the Central Government, on the 30th August, 1999.

[No. L-32012/8/92-IR (Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT CALCUTTA

Reference No. 60 of 1992

PARTIES:

Employers in relation to the management of M/s. Water Trading Corporation.

AND

Their Workmen

PRESENT:

Mr. Justice A. K. Chakravarty.

Presiding Officer.

APPEARANCE:

On behalf of Management.

Mr. A. Roy, Advocate with

Mr. J. Dasgupta, Advocate.

On behalf of Workmen.

Miss. G. Varalakshmi, Advocate.

State : West Bengal.

Industry :

AWARD

By Order No. L-32012/8/92-IR (Misc.) dated 19-11-1992 the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of M/s. Water Trading Corporation in stopping of employment of Shri Sambunath Singh holding licence No. 4750 justified? If not, to what relief the workmen are entitled to?"

2. Calcutta Port & Dock Shramik Union has raised this industrial dispute for not allowing Shri Sambunath Singh to work in M/s. Water Trading Corporation.

3. Union's case, in short, is that the concerned workman Sambunath Singh had been working under M/s. Water Trading Corporation for more than 20 years since 5-2-1970 and he used to draw salary of Rs. 2,000/- per month. Though he had an unblemished service record, still then, the management of M/s. Water Trading Corpn. without any reason whatsoever stopped the service of this workman. Such action of the management has been challenged as arbitrary and illegal. The letters exchanged between the Calcutta Port Trust and the management of Water Trading Corporation (in short, the management) will show that the concerned workman had a licence bearing No. 4750 and also that he was a worker/staff of Water Trading Corporation. M/s. Water Trading Corpn. and M/s. United Trading Corpn. being under the ownership of same set of persons, the service of the concerned workman used to be utilised by the United Trading Corpn. also as and when required with the consent of the Water Trading Corpn. A dispute was raised for wrongful stoppage of work of the concerned workman by the union and the conciliation having failed, the matter was referred for adjudication by the Central Government to this Tribunal. The union accordingly prays for reinstatement of the workman with back wages and compensation.

4. The management filed a written statement, alleging inter-alia, that the Central Government is not the appropriate government in respect of the present dispute, union has no locus standi to raise the dispute as none of the employees of the management are members of the sponsoring union and that there is no employer-employee relationship between the management and the concerned workman. Management has also stated that the union cannot have any case as no date of termination of service of the concerned workman has been mentioned, and that stopping of employment does not mean anything for which an industrial dispute can be raised. On the facts it is stated that the concerned workman was not an employee of the Company and the licence was issued to him by the dock authority to enable him to do some work in the port in connection with his own transport business. The concerned workman was a transport contractor having his office at his residential address and he was undertaking the works of transport of United Trading Corpn. who was transporting agent of M/s. Water Trading Corpn. The Water Trading Corpn. used to do clearing of goods from the dock and the principal work of the Company is not concerning major ports but otherwise. Management has also alleged that the concerned workman was never paid any remuneration and he neither received any appointment letter from the Company, nor his attendance was ever recorded in the attendance register of the Company and his time of attendance and work was not under the supervision of the Company. It is also stated that before raising of this dispute he had not addressed any letter to the Company claiming his status as an employee. The management accordingly prayed for dismissal of the case of the union.

5. The union has filed a rejoinder denying the management's case. The union alleged that M/s. Water Trading Corpn. is the clearing agent in Calcutta Port and as such the Central Govt. is the appropriate Govt. It is also alleged that stopping of employment means termination of service and that it took place on the 1st of March, 1991. It is also alleged that the concerned workman was a member of the sponsoring union at the time when the dispute was raised, even though the sponsoring union has no member in the Company. It is also alleged that the reference is sustain-

able under the law under section 2A of the Industrial Disputes Act, 1947. The union denied that Sambunath Singh was a contractor of M/s. United Trading Corpn. as well as M/s. Water Trading Corpn. rest of the allegations of the union are merely repetition of its allegation in its written statement.

6. Heard Mr. J. Dasgupta and Miss G. Varalakshmi, learned Advocates for the management and the union respectively.

7. Certain documents were produced by the parties and while the union examined the concerned workman as its only witness, the management examined two witnesses including one senior executive of the management.

8. Mr. Dasgupta, learned Advocate for the management raised some preliminary points for consideration before this Tribunal and one of such preliminary points being that the Central Government is not the 'appropriate government' under Section 2(a) of the Industrial Disputes Act, 1947 for referring this dispute to this Tribunal for adjudication. In considering this question, the character of the Company against which the relief is sought for requires examination. Under section 2(a) of the Industrial Disputes Act, 1947 the 'appropriate government' in respect of any reference under this Act has been defined. Leaving aside those establishments, Corporations, which were specifically mentioned in the section for which the 'appropriate government' is the Central Government, the criterion laid down there for finding out whether the 'appropriate government' in relation to the establishment is the Central Government is whether such establishment is carried on by or under the authority of the Central Government.

9. It is not the case of the union that the business of M/s. Water Trading Corporation is carried on by or under the authority of the Central Government. The jurisdiction of the Central Government was sought to be invoked by the union in paragraph 10 of its written statement in this way : "That the place of work of M/s. Water Trading Corpn. being in the Calcutta Port and Dock which place is under supervision and control of Calcutta Port Trust and in turn, Calcutta Port Trust is a statutory body under the Ministry of Shipping and Transport. Therefore, invariably the Central Government has the jurisdiction and as such Ministry of Labour, Government of India has legal right to exercise its power conferred by the provisions of the Industrial Disputes Act, 1947." In its rejoinder also the union has alleged that M/s. Water Trading Corpn. is the Clearing Agent in Calcutta Port Trust and as such the Central Government is the 'appropriate government'. To invoke jurisdiction of the Central Government as the 'appropriate government' in the manner as stated above is wholly misconceived and it does not require a moment's scrutiny for rejection of such allegations. The management itself has admitted in paragraph 9 of its written statement that M/s. Water Trading Corporation and United Trading Corporation were under the ownership of same set of persons. Miss. Varalakshmi, learned Advocate for the union candidly admitted before the Tribunal that both the firms are partnership firms. Management Witness Subimal Dutta stated in his evidence that M/s. Water Trading Corpn.'s business is related to clearance of cargos from Airport, Dock and Railways. Number of letters were produced in this case from which it will appear that in its letter heads Water Trading Corporation has been described as Customs authorised :—Shipping, Clearing, Forwarding, Insurance, Claims, Transport and Commission Agent. A cursory glance at these letters will clearly show that the partnership firm was doing clearing agency business in respect of export and import of goods. Relationship of the management with the Calcutta Port was essential in such business, but such relationship shall not change the nature and character of a partnership firm to that of a Central Government administered establishment or organisation. On the own admission of the union that the management is a partnership firm, there cannot be any question of its carrying on its business by or under the authority of the Central Government. The Central Government being thus not the 'appropriate government' in respect of the management of Water Trading Corporation, it is statutorily prohibited to make the instant reference under section 10 of the Industrial Disputes Act, 1947, and this Tribunal accordingly cannot have any jurisdiction to entertain the reference.

10. The Tribunal thus having no jurisdiction to entertain this reference, it cannot have any authority to consider this dispute from other view points as also on merits.

11. The reference is accordingly disposed of as bad and not maintainable in law. In view of the nature of the disposal of the reference, the concerned workman shall be at liberty to move the appropriate forum for his relief, if he so likes.

A. K. CHAKRAVARTY, Presiding Officer

Dated, Calcutta,

The 17th August, 1999.

नई दिल्ली, 30 अगस्त, 1999

का.आ. 2749—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विशाखापत्तनम पोर्ट ट्रस्ट के प्रबन्धकों के संवत् नियोजकों और उनके कर्मचारों के बीच, नुवम्बर में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, विशाखापत्तनम के पंचाटको प्रकाशित करती है, जो केन्द्रीय सरकार को 30-8-99 को प्राप्त हुआ था।

[सं. एल-34011/8/96-आईआर (विवाद)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 30th August, 1999

S.O. 2749.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Visakhapatnam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Visakhapatnam Port Trust and their workman, which was received by the Central Government on 30-8-99.

[No. I-34011/8/96-IR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

IN THE COURT OF INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, VISAKHAPATNAM

PRESENT :

Sri C. Sambasive Rao, M.A., B.L., Chairman, Industrial Tribunal and Presiding Officer, Labour Court Visakhapatnam.

Monday, the 12th day of July, 1999

I.T. I.D. (C) 5/97

Ref. No. I-34011/8/96-IR(Misc.) dated 13-1-97

BETWEEN

The General Secretary,
Port and Dock Employees Association,
14-25-32A, Dandu Bazar,
Maharani Pete, Visakhapatnam-2.

... Workman.

AND

The Chairman,
Visakhapatnam Port Trust,
Visakhapatnam-530035.

... Management.

This dispute coming on for final hearing before me in the presence of the workman in person and the management in person upon hearing the arguments of both sides and on perusing the entire material on record, the court passed the following :

AWARD

(1) This is a reference made by the Government of India under Section 10(2)(A)(d)(1) of the Industrial Disputes Act, 1947 for adjudication and to terms of reference is as follows :

“Whether the action of the management of Visakhapatnam Port Trust in not paying overtime allowance on Public Holidays declared under Negotiable Instruments Act on the demise of Shri Morarji Desai on 10th and 11th April, 1995 to the workers and on 11th April, 1995 to the Admn. Staff is justified? If not, to what relief the workmen are entitled to?”

(2) The facts of the case are briefly as follows. It is submitted that the respondent declared 16 number of holidays to the Administrative Staff and 16 holidays to the workers connected with the operations. In addition to the above, 2 restricted holidays (optional) are given to the administrative staff exclusively. The respondent contrary to the instructions of Government declared only ‘only day’ holidays on 10th April, 1995 only to the administrative staff and ‘No holiday’ was declared to the workers, which is highly discriminatory resulting in violation of Articles 14 and 16 of Indian Constitution. It is submitted that the workers worked on 10th and 11th April, 1995 and the Administrative Staff have worked on 11th April, 1995. The workers should be paid over time allowance/extra wages for 2 days and overtime allowance/extra wages for 1 day to the administrative staff if they were given holiday for one day on 10th April, 1995.

It is also submitted that in earlier occasion when Sri Giani Zail Singh, former President of India expired, on day holiday as declared under Negotiable Instruments Act and the workers who have worked on the said holiday were paid over time allowance as admissible. Section 25 of the Negotiable Instruments Act, 1981 is applicable to the present case. It is also submitted that the declaration of these 2 days holidays was officially published in the Newspapers and in official gazette by the Central Government and therefore the workers are lawfully entitled for the over time allowance on those 2 days i.e., 10th and 11th April, 1995 and one day for administrative staff on 11th April, 1995 for having worked on Public Holidays. The matter was held before the Assistant Labour Commissioner (Central) that they advised the management to re-examine the issue and pay the over time before 31-7-95. The management dragged the matter upto 18-8-96 and finally the conciliation ended in failure on 19-8-96. Therefore the prayer of the workers is to pay extra wages or overtime wages on 10th and 11th April, 1995 for workers and 11th April, 1995 for administrative staff which is admissible.

(3) For that the management filed a rejoinder opposing the allegations made in the petition. It is submitted that during the calendar year 16 holidays are being given to the employees. In addition to the above, the employees working in office and clerical staff working in outdoor section are permitted to avail two restricted holidays per year chosen from the list of restricted holidays. It is also submitted that in pursuance of the Government orders received through fax message dated 10-4-95, holiday was declared on 11-4-95 for office staff only on account of demise of Morarjee Desai, former Prime Minister of India.

It is further submitted that the government issued orders vide fax message dated 10-4-95 that Morarji that all Central Government Offices will remain closed for 2 days i.e., 10th and 11th April, 1995. The respondent received the message on 10-4-95 at 1900 hrs. and then holiday was declared on 11-4-95 only for offices. Even though no orders were received from the government for declaration of holiday on 12-4-95, permission was given to the office staff to leave office at 1500 hrs. On 12-4-95 to watch the funeral procession and cremation of Morarji Desai disroved on Television. Regarding over time allowance for the workers who attended to duty on 11th and 12th April, 1995 and for administrative staff on 12-4-95 as holiday was declared only for office on 11-4-95. Basically it is submitted that over time or extra wage would be admissible in case any employee works after the office hours in the exigencies of service and also if he is asked to work on holiday he will be paid extra wages. In this case there is no claim for extra wages of over time allowance. In the case of Late Sri Giani Zail

Singh, former President of India, the Government sent a telex on 26-12-94 to close on 27-12-94. So that cannot be drawn as comparison with the case on hand since the facts are not identical. Therefore the action of the management is quite justified and it acted only on the directions of the Central Government.

(4) No evidence is adduced by both parties either oral or documentary. Both sides submitted arguments.

(5) The points that arise for consideration are :

(1) Whether the action of the management in not paying over time allowance on public holidays declared under Negotiable Instruments Act on the demise of Sri Morarji Desai on 10th and 11th April, 1995 to the workers and on 11th April, 1995 to the Admn. Staff is justified?

(2) To what relief the workers are entitled?

(6) Point No. 1 : As could be seen from the Minimum Wages Act, 1948 under Section 14 it is mentioned that where an employee, whose minimum rate of wages is fixed under this Act by the hour, by the day or by such a longer wage period as may be prescribed, works any day in excess of the number of hours constituting a normal working day, the employer shall pay him for every hour or for part of an hour so worked in excess at the over time rate fixed under this Act or under any law of the appropriate Government for the time being in force, whichever is higher.

Section 59 of Factory Laws in A.P. the Extra Wages for over time is mentioned that where a worker works in a factory for more than nine hours in any day or for more than forty eight hours in any week, he shall, in respect of over time work, be entitled to wages at the rate of twice his ordinary rate of wages. Under clause 2 it is mentioned that for the purposes of sub-section (1), ordinary rate of wages means the basic wages plus such allowances including the cash equivalent of the advantage accruing through the concessional sale to workers of foodgrains and other articles, as the workers are for the time being entitled to, but does not include a bonus and wages for over time work. There is no provision of law with regard to payment of wages on a day which is declared as a holiday by the Government since the definition under both the Acts indicate any normal working day if over time work is made double the wages or salary is to be paid. So in the circumstances one has to use the common sense point of view from the facts in the absence of any provision of law or absence of issuing of instructions by the Government in case of sudden declaration. The particular fact is alleged that on 10th the holiday intimation was received by the management only at 7.00 p.m. Hence on 12th after lunch at 3.00 p.m. only though the holiday was not declared the workers were permitted to leave with regard to holiday on 11th April, 1995 there is no dispute. The reference in the schedule shows both 10th and 11th are declared holidays. So by virtue of this reference itself the government indirectly admitted that both days they declared as holidays. Those two days are clearly working days where over time wages has to be paid. So in the circumstances the management received written communication especially when reference itself stated both days are declared holidays the workmen are entitled to wages on those two days at normal rate and the question of payment of over time wages which are normally paid on normal working days if normal working period time extended cannot be applied in this case. So the workers are entitled both the 10th and 11th wages at normal rate which they are entitled to be paid as wages or salary as the case may be. In so far as administrative staff is concerned they are entitled to the salary on 11th. Merely some discretion is exercised by the management in permitting to leave the work on 12th April, 1995, which is not permitted to the workers cannot be ground to deny these benefits. In all these circumstances the workers are entitled for normal wages or salary only on 10th and 11th April, 1995 and the same is applicable to the administrative staff also as it is not mentioned in the payment of Wages Act and Factories Act that the workmen are entitled to any benefits of over time wages or extra wages on these days, which is suddenly declared as holidays by the Government of India.

(7) Point No. 2: In view of the findings given above the workmen are not entitled to relief as prayed for ordering payment of normal wages to workmen on 10th and 11th April, 1995 and 11-4-95 for Administrative Staff. Accordingly the reference is answered.

Dictated to steno transcribed by her given under my hand and seal of the court this the 12th day of July, 1999.

C. SAMBASIVA RAO, Presiding Officer

APPENDIX OF EVIDENCE

Witnesses Examined for:

Workman: None.

Management: None.

Documents marked for Management: Nil.

Documents marked for Workman: Nil.

नई दिल्ली, 31 अगस्त, 1999

का. अ. 2750 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मुम्बई पोर्ट ट्रस्ट के प्रबंधन के संबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, सं. -1, मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-8-99 को प्राप्त हुआ था।

[सं. एन.-31012/6/96-आई. आर. (विविध)]
बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 31st August, 1999

S.O. 2750.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal No. 1, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Mumbai Port Trust and their workman, which was received by the Central Government on the 31-8-99.

[No. L-31012/6/96-IR(Misc.)]
B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL
TRIBUNAL NO. 1, MUMBAI

PRESENT

Shri Justice C. V. Govardhan, Presiding Officer

REFERENCE CGIT. NO. 37 OF 1996

PARTIES :

Employers in relation to the management of
Bombay Port Trust.

And

Their Workmen.

APPEARANCES :

For the Management—Shri M.B. Anchan,
Advocate.

For the Workmen—Shri S.R. Wagh, Advocate.
STATE—MAHARASHTRA.

Mumbai, dated the 18th day of August, 1999

AWARD

The Central Govt. has referred the following dispute by its order dated 13th November, 1996 for adjudication by this Tribunal :

“Whether the action of the management of Bombay Port Trust in not paying subsistence allowance to Shri Premal Radhelal Gauda is justified? If not to what relief the workman is entitled to.”

Today when the matter was taken up for hearing, Mr. Wagh, Advocate for the workmen filed an application stating that the Transport and Dock Workers Union which represents the workman does not press for the demand and the reference may be disposed accordingly.

The learned advocate for the management has no objection. In view of the petition filed by the learned advocate for the Union, this reference is disposed as or pressed.

An award is passed accordingly.

C. V. GOVARDHAN, Presiding Officer

नई दिल्ली, 1 सितम्बर, 1999

का.अ. 2751 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सुन्दरगढ़ माइनिंग लेबर कंट्रैक्ट कोपरेटिव सोसाइटी लि. के प्रबंधन के संबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय राउरकेला के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-9-99 को प्राप्त हुआ था।

[सं. एन.-29011/1/90-आई. आर. (विविध)]
बी. एम. डेविड, अवर सचिव

New Delhi, the 1st September, 1999

S.O. 2751.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal/Labour Court, Rourkela as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Sundergarh Mining Labour Contract Coop. Society Ltd., and their workman, which was received by the Central Government on 1-9-99.

[No. L-29011/1/90-IR(Misc.)]
B. M. DAVID, Under Secy.

ANNEXURE

IN THE COURT OF PRESIDING OFFICER :
INDUSTRIAL TRIBUNAL : ROURKELA

Industrial Dispute Case No. 5/97(C)

Dated, the 30th June, 1999.

PRESENT :

Shri Alak Kumar Dutta,
Presiding Officer,

Industrial Tribunal,
Rourkela.

BETWEEN :

1. Secretary, Sundargarh Mining
Labour Contract Coop. Society
Ltd., Contractor at Purnapani
Limestone & Dolomite Quarry
of R.S.P. SAIL, PO : Purnapani,
Distt : Sundargarh,

2. M/s. Rourkela Steel Plant,
SAIL, Rourkela.

... Ist Party.

AND

Sri Bharat Badaik & 106 others,
Represented by General Secretary,
North Orissa Workers Union,
At : Uranpada, PO : Uditnagar,
Rourkela.

... II Party.

APPEARANCES :

For the 1st party.—In person.

For the IInd party.—Sri B. S. Pati, General
Secretary.

AWARD

The Government of India in the Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the I.D. Act, 1947 have referred the following dispute for adjudication vide No. L-29011/1-90-IR(M) dated 22-3-90 :

"Whether the action of the management of Sundargarh Mining Labour Contract Coop. Society Ltd., Contractor at Purnapani Limestone & Dolomite Quarry of RSP, SAIL in terminating the services of 107 workers (as per list attached) w.e.f. 16-2-87 is justified? If not, what relief are the workmen concerned entitled to?"

2. In the written statement it has been stated by the 2nd party workmen that they were under the employment of the 1st party management No. 1 in batches from the year 1978, 1981 and 1983. But all of a sudden the management without any order or notice terminated the services of the workmen w.e.f. 16-2-87. The jobs in which the 2nd party were employed were permanent in nature. Since the 2nd party were in continuance service, the termination of employment of 2nd party in violation of provisions of I.D. Act is illegal and unjustified. So they pray to pass the award in their favour.

3. In the written statement, it has been stated by the management that the case is not maintainable since the name of some workmen are found in I.D. case No. 37 of 88(C). All the 2nd party workmen were engaged on casual basis and their employment was necessitated for repair and maintenance of road

work, to attend the repair of machinery and equipment. All the 2nd party workmen were engaged for a period of 30 days only and they were not in continuance employment. So their getting benefit of Section 25-F read with Section 25-B of I. D. Act does not arise. So the management prays to reject the claim of the 2nd party workmen.

4. On the aforesaid pleadings of the parties, the following issues were framed :

I: Whether the action of the management of Sundargarh Mining Labour Contract Coop. Society Ltd., in terminating the services of workers is justified?

II: To what relief the workmen are entitled?

5. In order to prove their case, the 2nd party have examined four witnesses in their behalf where as the management has examined only one witness.

6. Issue Nos. I & II :—Although the workmen take the specific plea that they were working continuously under the employment of the 1st party-men from 1978, 1981, 1983 and removed from services illegally, the case of the management is that they never worked in the mines and only they were engaged for 30 days w.e.f. 29-10-86 for doing cleaning work and as such they are not entitled to the benefits as claimed.

7. Workman witness No. 1 has stated that he worked since March, 1983 as a wagon loader under the Contractor Coop. Society. Some others were engaged in the year 1985. On 16-2-87 they were refused employment. He proves Ext. 1 as a chart of workers prepared by the management. He proves Ext. 2 as a list of wagon loaders. He states when a wagon loading work was not available they were being engaged as miners. Even on day wagons loading work, they were also engaged as miners if there was time. He admits that their names do not find place in Form-B register. W.W.2 claims to be a supervisor working under the 1st party management. He states that all these workmen were working under the 1st party No. 1 as time, rate and piece rated. They were working as such from 1983 till their services were terminated on 16-2-87. He was supervising the work of the 2nd party workmen. He states that some other new hands were engaged in place of 2nd party workmen after their termination. Prior to him Surendra Singh was the Chief Supervisor of the management who retired on December, 97. He states that on 1-7-85 Surendra Singh had given a letter of workers engaged under the 1st party No. 1 to the Secretary of the 1st party No. 1. He proves that letters as Ext. 2 & Ext. 2/a as the signature of Surendra Singh. He states that no termination benefit was given to any of the 2nd party workmen. He states that daily attendance of the 2nd party workmen were being taken by them. W.W. No. 3 is one of the 2nd party workmen. He corroborates the evidence of W.W. No. 1. W.W. No. 4 claims to be a supervisor under 1st party No. 1 from 1967 to 1987. He states that all the 2nd party workmen worked under the 1st party management from 1983 to 1987 as casual workers and engaged in loading of wagons. They were also collecting and removing excavated earth at times. He was

supervising their work. They were working in 10 different gangs. He was issuing transport challan in the name of gang loader only. He admits that name of the 2nd party workers was the members of the society. Their names do not find place in Form-B register.

8. M.W. No. 1 states that the workmen were given appointment temporarily as casual labourers for a period of 30 days from 29-10-86 vide Exts. A & B. They are not members of the society and their names do not find place in Form-B register i.e. employment register of 1st party No. 2 (R.S.P.). He has stated that except cleaning the road the 2nd party were not doing any other work. He claims that as per law no person can be allowed to work inside the mines unless his or her name is entered in Form-B register.

9. No suggestion has been given to W.W. No. 2 and 4 that they were never working as supervisor under 1st party No. 1. They have stated about the 2nd party workmen working since 1983 continuously as casual labourers supporting the claims of W. W. No. 1 and 3. Challans have been proved in this case issued for loading of wagons to different gangs. Some of the challans are in the name of the 2nd party workmen Sudarsan and Khaira issued for days in the year 1987 i.e. much after the expiry of 30 days from 29-10-86. In Ext. 2 the names of 2nd party workmen are found which has been issued by Surendra Singh, Chief Supervisor of the 1st party management under his signature. He is dead. I find no reason to consider this exhibit as a forged one. Assuming that they were engaged for one month, then their attendance must have been taken in a register. The management could have filed the register before the Tribunal to prove that their attendance were taken only for one month and not more, thereby disproving the claim of the 2nd party workmen. It is admitted by both sides that names of these persons were not mentioned in Form-B register maintained by 1st party No. 2. Unless it is so mentioned the persons cannot be allowed to enter into the mines. So the claim of the 2nd party workmen that they were working inside the mines at times is not at all believable. The management claims that they were given appointment for 30 days under Ext. A & B. M.W.1 admits that the copy of Ext. A & B were not communicated to the 2nd party workmen. As such I doubted the genuineness of these two documents.

10. From the evidence as discussed above and from Exts. 1, 2 & 3 series I hold that the 2nd party workmen were working under the 1st party No. 1 as casual labourers continuously from their date of engagement i.e. for the period for more than one year. All registers are in the custody of the management regarding their attendance. The management has not proved any such register to show that the 2nd party have not worked for 240 days in one calendar years preceeding their termination w.e.f. 16-2-1987.

11. Accordingly I hold that the action of the management in terminating the services of 2nd party workmen is not legal and justified and as such the 2nd party workmen are entitled for reinstatement in

service with full back wages and consequential benefits.

Accordingly the reference is answered, Dictated and corrected by me.

Dated : 30-6-99.

ALAK KUMAR DUTTA, Presiding Officer

List of workers (Sri Bharat Badaik & 106 others, Ex-casual workers of SMLCCS Ltd., Contractor, PLDO of SAIL) as derived from the list submitted by the workmen's representative.

1. Shri Bharat Badaik
2. Firoo Badaik
3. Smt. Kaushila Badaik
4. Smt. Salo Badaik
5. Sri Bhartha Badaik
6. Smt. Fullo Badaik
7. Sri Chamu Badaik
8. Sri Siho Sha
9. Sri Chamu Pradhan
10. Smt. Albina Lemige
11. Sri Jethu Pradhan
12. Sri Chamu Xalxo
13. Sri Birahi Dhanwar
14. Smt. Tellani Topono
15. Sri Samuel Kandulana
16. Sri Johon Samad
17. Sri Herman Lugun
18. Sri Linus Samad
19. Sri Nichodin Samad
20. Sri Sudarsan Jojo
21. Smt. Rajlia Samad
22. Sri Radhu Badaik
23. Sri Chuku Lakra
24. Sri Ganesh Badaik
25. Smt. Somari Badaik
26. Smt. Albina Kujur
27. Sri Somra Tirkey
28. Sri Arjun Badaik
29. Sri Manual Jojo
30. Sri Bandhnu Tigga
31. Charo Tigga
32. Sri Matias Samad
33. Sri Carlus Samad
34. Sri Rashan Jojo
35. Sri Ramdhari Nayak
36. Sri Nabin Surin
37. Sri Eman Jojo
38. Kumari Basanti Jojo

39. Sri Israng Topno
40. Smt. Belony Lugun
41. Sri Bilsen Kujur
42. Etwa Kujur
43. Sri Sambhu Nath
44. Sri Khaira Jate
45. Smt. Firda Jate
46. Smt. Suko Tirkey
47. Smt. Nauri Xaxa
48. Sri Gandhur Kujur
49. Sri Damonic Lakra
50. Smt. Suchita Lakra
51. Sri Bilbrus Kujur
52. Sri Lalit Badaik
53. Smt. Budhuni Badaik
54. Sri Amblush Horo
55. Sri Alexius Horo
56. Smt. Padmabati Nath
57. Sri Sugarh Jojo
58. Sri Cletus Horo
59. Sri Suko Tirkey
60. Sri Fagu Kerketta
61. Smt. Jhirgi Toppo
62. Sri Biraha Lakra
63. Sri Dayamani Kandulana
64. Smt. Aliaha Kandulana
65. Sri Sirnus Kandulana
66. Smt. Carmela Kandulana
67. Smt. Budhuni Jojo
68. Sri Farcia Kujur
69. Sri Marcel Kandulana
70. Sri Suko Kandulana
71. Sri Ram Chandra Majhi
72. Sri Laxman Majhi
73. Smt. Budhuni Majhi
74. Smt. Sanichari Badaik
75. Sri Daud Lugun
76. Smt. Birahi Majhi
77. Smt. Hasui Bara
78. Sri Mansukh Lugun
79. Sri Arik Soreng
80. Sri Eliazar Xaxa
81. Smt. Binanith Xaxa
82. Smt. Rulmoni Singh
83. Smt. Martha Soreng
84. Sri Sukra Lakra
85. Smt. Suchitta Soreng
86. Sri Namdo Singh
87. Sri Kalyan Burh
88. Smt. Bahamani Topno
89. Sri Abbiram Surin (B)
90. Sri Yakub Surin
91. Sri Jalon Lugun
92. Sri Abhiram Surin (A)
93. Sri Naiman Surin
94. Sri Jemes Surin

95. Smt. Santi Topno
96. Smt. Emel Badaik
97. Sri Silbrus Kujur
98. Smt. Basanti Burh
99. Smt. Fulit Topno
100. Smt. Manit Topno
101. Smt. Fullo Topno
102. Sri Jama Topno
103. Sri Sukhram Badaik
104. Sri Hallon Topno
105. Smt. Maldali Kandulana
106. Raulush Majhi
107. Sri Santosh.

नई दिल्ली, 1 सितम्बर, 1999

का.अ. 2752 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पुरनापानी लाईमस्टोन एण्ड डोलोमाइट क्वारी के प्रबंधन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, राऊरकेला के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-9-99 को प्राप्त हुआ था।

[मं. एल-29012/45/96-आई आर (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 1st September, 1999

S.O. 2752.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Rourkela as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Purnapani Limestone and Dolomite Quarry and its workman, which was received by the Central Government on 1st September, 1999.

[No. L-29012/45/96-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

IN THE COURT OF PRESIDING OFFICER : INDUSTRIAL TRIBUNAL : ROURKELA

Industrial Dispute Case No. 137/97(C)

Dated, the 30th July, 1999.

PRESENT :

Sri Alak Kumar Dutta,
Presiding Officer,
Industrial Tribunal,
Rourkela.

BETWEEN :

Asst. General Manager,
Purnapani Limestone and
Dolomite Quarry, R.M.D.,
SAIL, PO : Purnapani,
Dist : Sundargarh

Ist party

AND

Secretary, Rourkela Shramik
Sangha, At: Purnapani,
Dist : Sundargarh

.. IInd-party

APPEARANCES :

For the 1st party—Sri R. C. Tripathy, Representative.
For the IInd party—Sri A. K. Pandey, Secretary.

AWARD

The Govt. of India in the Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following disputes for adjudication vide No. L-29012/45/96-IR(M) dated 21-11-1996 :

"Whether the action of the management of Purnapani Limestone & Dolomite Quarry of Raw Materials Division, SAIL, P.O. : Purnapani, Distt. : Sundargarh in not giving employment to the dependant of Late Narsamma was justified? If not, to what relief the dependant is entitled?"

2. In the written statement, the 2nd party has stated that Smt. Narsama, Ayah while on duty fell down in senseless condition on floor on 30-4-87. But she was found dead by the Doctor of I.G.H., Rourkela. Since Narsama Ayah died as per rule, her dependant should be given employment. She has only one daughter Laxmikanta, her husband having expired. Laxmikanta has passed Higher Secondary Examination and she knows typewriting & shorthand. She applied for giving employment to the management, but in vein.

3. As per NJCC agreement dated 25-5-83, in Clause 7(b) and 7(16) in case of death in accident in course of employment and if an employee becomes disabled permanently than his/her dependant should be given employment. So she prays to answer the reference in her favour.

4. The 1st party management contended in its written statement that the reference is misconceived and devoid of any merit. There is no rule in vogue in the 1st party management to give employment to a dependant of a deceased employee. There was rule for giving employment to the dependants on compassionate ground till 31-12-88. But second party had not applied for consideration for employment during that period. It has also been contended by the management that Late Narsama had one son and two daughters declared to be dependant in the year 1979 in order to avail medical treatment in the company's hospital. So the management prays to reject the claim of the 2nd party.

5. On the basis of the pleadings of the parties the following issues were framed :

I. Whether the reference is maintainable?

II. Whether the action of the management of Purnapani Limestone & Dolomite Quarry of Raw Materials Division, SAIL, P.O. : Purnapani, Distt. : Sundargarh in not giving employment to the dependant of Late Narsama was justified?

III. If not, to what relief the dependant is entitled?

6. In order to prove their case, the workman has examined himself whereas the management preferred not to examine any witness.

7. The learned counsel for the management submits that this 2nd party was never a workman under the management. So she cannot file any claim case.

8. The Industrial Dispute has been defined under section 2(k) as follows :

"Industrial dispute" means any dispute or difference between employers and employees, or between employers and workmen or between workmen and workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person.

So it is clear that any person can file a claim case regarding non-employment. In the present case, admittedly the 2nd party is the only heir of her mother Late Narsama who was admittedly, serving as Ayah in PL & DQ hospital, Purnapani. On her death, while in service the 2nd party received all the compensation. As her mother died while in service, she claimed employment as dependants on compassionate ground. This has been turned down by the management. So it cannot be said that the 2nd party cannot initiate such case.

9. Now it is to be decided whether she is a dependant of her mother and she is entitled to get employment.

10. The 2nd party, giving her evidence before the tribunal has stated that on death of her mother on 30-4-87 she made a representation vide Ext. A to the management to give her job in her place on compassionate grounds. She proves Ext. C as the postal A/D about receipt of that representation by the management. She submits that the management did not give her employment. She admits receiving all the dues of her mother from the management (which fact also admitted by the management). She has passed Higher School Certificate Examination vide Ext. D. She claims that many others namely Phullit, Lagun, Bharati and Minakshi have been given job at Purnapani on compassionate ground. She admits that she married in the year 1973 and her husband is alive.

11. Ext. D reveals that she was born on 26-3-55. Her mother died on 30-6-87 and 14 years prior to her death, the 2nd party got married and her husband is still, alive. So when her mother died she was a married women having her husband and it cannot be said that she was dependant on her mother. Moreover by the time her mother died, she had completed 32 years of age. But surprisingly soon after the death of her mother, she did not take any step for her employment and remained silent for nearly 7 years. So her silence for these 7 years also shows that she was not dependant on her other and has got her means of livelihood. Again her mother died not due to any accident or it was not sudden death. She was suffering from Cancer and receiving treatment in the management's hospital for nearly one month expired. The 2nd party has not filed any circular of the management that in such a case dependant would be given employment.

12. From all these considerations I feel that the 2nd party is not entitled to the relief prayed for. The management is justified in not giving employment on the death of her mother. Accordingly all issues are answered in favour of the management.

ALAK KUMAR DUTTA, Presiding Officer

नई दिल्ली, 1 सितम्बर, 1999

का.आ. 2753 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सीलजोरा कालीमती मगनाई माईन्स आफ' मै. एम. एल. रूंगटा के प्रबंधन के संवद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय राऊरकेला के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-9-99 को प्राप्त हुआ था।

[सं. एल-27012/2/97-आई.आर. (विषय)]
वी. एम. डेविड, अवर सचिव

New Delhi, the 1st September, 1999

S.O. 2753.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal/Labour Court, Rourkela as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Siljara Kalimati Mn, Mines of M/s. M. L. Rungta and their workman, which was received by the Central Government on 1-9-1999.

[No. L-27012/2/97-IR(Misc.)]
B. M. DAVID, Under Secy.

ANNEXURE

IN THE COURT OF PRESIDING OFFICER :
INDUSTRIAL TRIBUNAL : ROURKELA

Industrial Dispute Case No. 177/97(C)

Dated, the 31st May, 1999

Present :

Sri Alak Kumar Dutta,
Presiding Officer,
Industrial Tribunal,
Rourkela.

BETWEEN

The Agent, Siljara Kalimati,
Mn. Mines of M/s. M. L. Rungta,
PO : Barajamda, Distt. : Singhbhum
(Bihar) .. Ist Party

AND

Sri Sadho Baipai, Ex. Tractor Operator
Siljara Galimahi Mn. Mines, Siljara,
Distt. Keonjhar .. IInd Party

Appearances :

For the 1st party.—Sri R. Agarwal, Represent-
ative.

For the IInd party.—Sri B. Khilar, Gen. Sec-
retary.

AWARD

The Govt. of India in the Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 have referred the following disputes for adjudication vide No. L-27012/2/97-IR (M) dt. 30-6-97 :

“Whether the termination of the workman, Sri Sadho Baipai by the management of Siljara Kalimati Mn. Mines of M/s. M. L. Rungta, PO : Siljara, Distt. : Keonjhar w.e.f. 8-6-96 is justified and proper ? If not, what relief the workman is entitled to ?”

2. In the written statement, it has been stated by the 2nd party workman that he was working as a tractor-operator from 3-4-79 permanently and as such he is a worker under the management. Since 9th January 96 was declared a half day holiday by the management the workmen demanded a full days wage for the said day. But on false allegation that on 21-1-96 he led about 50 workers to the office of the management, demanded full days wages for 9-1-96, abused and assaulted the officers, the 2nd party was chargesheeted, and a domestic enquiry was conducted for violation of clause 30 of the standing order.

3. During enquiry, the workman was neither examined nor allowed to cross-examine the complainant. Thus the finding of the domestic enquiry is perfunctory and is liable to be quashed. The action of the management in terminating his service is illegal and unjustified. So he prays for reinstatement with back wages.

4. In reply, the management contends that the reference is bad in law and hence not maintainable. It alleges that on 21-1-96 at about 3.30 PM a group of workers led by Sri Dasarathi Laguri, Driver, Sadho Baipai, Tractor Operator (2nd party workman), Nanda Pradhan, Aibon Purty, Birsingh Laguri, Watchman Smt. Saro Karketa and Smt. Mantari Champia came to the office of the management and shouted demanding full wage for the whole day of 9-1-96 and both Dasarathi and Sadho came inside the chamber and abused the management staff in filthy language, threatened and assaulted. On the basis of complaint the Agent-Cum-General Manager chargesheeted Sri Sadho Baipai and others. As the explanation of the workman was not found satisfactory, the Agent-Cum-General Manager constituted an enquiry committee wherein Sri P. K. Sen was appointed as Enquiry Officer. The E.O. conducted enquiry in presence of 2nd party and gave its finding holding the 2nd party workman and others guilty of the charges. Thereafter the 2nd party submitted a representation and being not found satisfactory, the management passed the dismissal order. So the management prays to reject the claim of the 2nd party workman.

5. On the basis of the pleadings, the following issues were framed :

- (i) Whether the termination of the workman, Sri Sadho Baipai by the management w.e.f. 8-6-96 is justified and proper ?
- (ii) If not, what relief the workman is entitled to ?
- (iii) Whether the reference is maintainable?
- (iv) Whether the domestic enquiry is fair and proper ?
- (v) Whether the General Secretary of Orissa Mining Workers has locus-standie to represent the case of the 2nd party workman ?

6. In order to prove their case, the management has examined three witnesses in their favour whereas the workman has examined himself.

7. Issue Nos. I, II, III & IV.—I will take up these issues for the sake of convenience. Only the 2nd party workman has given evidence on his behalf. According to him on 9-1-96, he and other workers worked for half day (from 7 A.M. to 9 A.M.) and then went on a picnic. The management declared half holiday for that day. There is no corroboration to his evidence in this regard. On the other hand the management denies this stating that the management asked the workers to go on a picnic on an off day, but without listening to its advice, the workers working only for two hours, left work unauthorisedly. So accordingly their bill for proportionate wage was prepared for that day. This has been stated by M.W. 2 and M.W. 3. M.W. 3 has proved the weekly payment sheet marked Ext. 8. He states that on that day, the 2nd party worked for full day and was paid full wages. M.W. 3 states that demanding full wages for that day for other workers who left work on that day this 2nd party workman alongwith others came with about 50 workers to the office of the management on 21-1-96 and demanded that full wages should be paid for 9-1-96. The trouble started and the officers of

the management were abused, threatened and one Sri U. Moharana was assaulted. This has been stated in detail by witness nos. 1 & 3 for the management. For this high-handedness of the workers including this 2nd party, chargesheet vide Ext. 1 was drawn and the domestic enquiry was conducted by E.O. M.W. 1.

8. The Learned Counsel for the 2nd party workman caused to the 2nd party workman in conducting perly and in an unfair manner without following the principles of natural justice. So the management is not justified in terminating the services of the 2nd party workman. On the other hand, the learned counsel for the management argues that principles of natural justice have been followed in conducting the enquiry and no harshness has been shown by the management in terminating the services of the 2nd party workman, in view of the seriousness of the offence committed by the 2nd party workman.

9. Now it is to be seen whether any prejudice has been caused to the 2nd party workman in conducting this enquiry. The 2nd party workman has admitted that the copy of the charge was supplied to him and he submitted his explanation vide Ext. 2. The management witness no. 2 (Sr. Manager) has stated that the explanation was not found satisfactory and so the enquiry committee was constituted. The 2nd party attended the enquiry on 13-3-96 vide Ext. 4. The 2nd party submits that the enquiry proceeding was not read over and explained to him and the management did not allow him to engage a co-worker to defend him in the enquiry. He claims that he was not asked to cross-examine the witnesses examined by the management in the domestic enquiry. M.W. 1 has stated that on 13-3-96, he conducted the enquiry. He read over and explained the charge to the 2nd party workman who affirmed to have understood the same. Three witnesses were examined on behalf of the management. Even though he gave ample opportunity to the 2nd party workman, he did not cross-examine any of the three witnesses. Then the 2nd party examined himself alone to prove his innocence. On that day he closed the proceedings marked Ext. 4. He gave the copy of the proceedings to the 2nd party workman. He gave his finding vide Ext. 5. In cross-examination he has categorically stated that the 2nd party workman was present by the time when the witnesses gave their statement in writing. He also recorded the statements of the 2nd party workman on that day.

10. So there is no doubt that the 2nd party was present throughout when three witnesses gave their evidence in the domestic enquiry on 13-3-96. On verification of the statement I find the signature of the 2nd party there. At the bottom of the statements there is endorsement of E.O. that the statements were read over and explained to the 2nd party in their language which they understood. There is another endorsement that opportunity to cross-examine the witness was given but not availed. On that day the 2nd party workman also gave his statement. In his statement he has admitted receiving chargesheet, submitting explanation his receiving 2nd chargesheet on 13-2-96 and submitting explanation again. He has categorically admitted about the workers going on picnic

on the working day inspite of Manager asking them to go on an off day. He admits that on 21-1-96 they pressurised the Manager to make payment, they threatened and intimidated him. He further admits about their going to Police Station being called by the Police. He has stated that on 21-1-96 they were in the office and Mr. Uma Moharana told them not to quarrel with the Manager as they would be paid half wages for 9-1-96. The 2nd party admits that thereafter he closed the doors of the office though Sri Moharana forbade him to do so. He admits assaulting Mr. Moharana.

11. From the admission of the 2nd party workman and from the facts that he attended the enquiry on the date fixed, I find no reason to hold the enquiry improper or unfair on any ground. Violence was let loose and the workers under the leadership of the 2nd party workman abused, and intimidated the officers of the management which has been admitted by 2nd party workman abused, and intimidated the officers Moharana. To curb such violence and maintain law and order in the mines, no leniency should be shown to the delinquents which will put the management in difficulties in operating mines in a smooth manner. The proper punishment has been awarded to the 2nd party workman. Accordingly the workman is not entitled to any relief and the reference is not maintainable. All the issues are answered in favour of the management.

12. Issue no. V : Not pressed and hence answered accordingly.

Accordingly the reference is answered.

Dictated & corrected by me.

ALAK KUMAR DUTTA, Presiding Officer

नई दिल्ली, 1 सितम्बर, 1999

का. आ. 2754 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेवेली लिग्नाइट कार्पोरेशन लि. के प्रबन्धतंत्र के संबंध में निर्यातकों और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय राऊरकेला के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-9-99 को प्राप्त हुआ था।

[सं. एल.-29012/141/98-आई. आर. (निबन्ध)]

बी. एम. डेविड, अवसर सचिव

New Delhi, the 1st September, 1999

S.O. 2754.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal/Labour Court, Rourkela as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Neyveli Lignite Corp. Ltd., and their workman, which was received by the Central Government on 1-9-99.

[No. L-29012/141/98-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL
NADU, CHENNAI

Thursday, the 17th day of June, 1999

PRESENT :

THIRU S. ASHOK KUMAR, M.Sc. B.L., Industrial
Tribunal.

INDUSTRIAL DISPUTE NO. 29 OF 1999

(In the matter of the dispute for adjudication under section 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the Management of Neyveli Lignite Corporation Ltd.)

BETWEEN

The workmen represented by
The General Secretary,
N.L.C. Thozhilalar Ottumai Maiyam,
2/31, Haja Lane, Gangaikondan,
Neyveli 607802.

AND

The Chairman, Neyveli Lignite Corporation Ltd. Neyveli.

REFERENCE :

Order No. L-29012/141/98/IR(M) dated 8-2-1999,
Ministry of Labour, Government of India, New
Delhi.This dispute coming on this day for final disposal upon
perusing the reference and other connected papers on record
and the parties being absent, this Tribunal passed the fol-
lowing

AWARD

This reference has been made for adjudication of the fol-
lowing issue:“Whether the management of Neyveli Lignite Corpora-
tion Ltd. is justified in deduction 8.33 per cent
of wages from every worker towards its pension
scheme which is unapproved and if not, to what
relief the workmen are entitled to?”Petitioner already served. Petitioner called absent. Dis-
missed for default.

Dated, this the 17th day of June, 1999

S. ASHOK KUMAR, Industrial Tribunal

नई दिल्ली, 1 सितम्बर, 1999

का. आ. 2755 :—औद्योगिक विवाद अधिनियम,
1947 (1947 का 14) की धारा 17 के अनुसरण
में, केन्द्रीय सरकार एस. जी. बी. के. सेगनीज माईन्स
आफ उडुप्पा माईनिंग कॉर्पोरेशन लि. के प्रबंधन के
संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में
निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम
न्यायालय राउरकेला के पंचाट को प्रकाशित करती है,
जो केन्द्रीय सरकार को 1-9-99 को प्राप्त हुआ था।

[सं. एल.-26011/9/96-आई. आर. (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 1st September, 1999

S.O. 2755.—In pursuance of Section 17 of the In-
dustrial Disputes Act, 1947 (14 of 1947), the CentralGovernment hereby publishes the award of the Cen-
tral Government Industrial Tribunal/Labour Court,
Rourkela as shown in the Annexure in the Industrial
Dispute between the employers in relation to the
management of S.G.B.K. Mn. Mines of Orissa Mining
Corporation Ltd., and their workman, which was re-
ceived by the Central Government on 1-9-99.

[No. L-26011/9/96-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

IN THE COURT OF PRESIDING OFFICER
INDUSTRIAL TRIBUNAL, ROURKELA

Industrial Dispute Case No. 143/97(C)

Dated, the 28th May, 1999

PRESENT:

Sri Alok Kumar Datta,
Presiding Officer,
Industrial Tribunal,
Rourkela.

BETWEEN

The Regional Manager,
S.G.B.K. MN. Mines of Orissa,
Mining Corporation Ltd.,
P. O. : Barbil, Keonjhar

1st party.

AND

Smt. Jatri Lohar & 29 others,
Represented by Gen. Secretary,
Orissa Mining Workers Union,
P.O. : Guruda, Keonjhar

2nd party.

APPEARANCES :

For the 1st party—Sri S. C. Panda, Manager
(LW)

For the 2nd party—Sri B. S. Pati, General Secy.

AWARD

The Govt. of India in the Ministry of Labour in
exercise of powers conferred by clause (d) of Sub-
Section (1) and sub-section (2A) of Section 10 of
the I.D. Act, 1947 have referred the following dis-
pute for adjudication vide No. L-26011/9/96-IR(M)
dated 31-12-1996 :“Whether the action of the S.G.B.K. Mn. Mines
of Orissa Mining Corporation Ltd. Dist :
Keonjhar in not regularising and not giving
fixed scale of pay to Smt. Jatri Lohar and
29 others is proper and justified? If not, to
what relief the workmen are entitled to ?”2. The case of the aggrieved 2nd party workmen is
that, Jatri Lohar and 29 others are working as pickers
permanently since 1982, which fact has been admitted
by the management. After workers of other categories
being regularised, the management is taking a false
plea that the designation of picker does not come under
the purview of workers prescribed by O.M.C. There
are different categories of workers such as skilled,
semi-skilled and unskilled labour and from the nature
of work they do the pickers should be treated as skilled

labourer. Since they are not categorised as departmental employees, they are not getting any statutory benefits. The policy of the management towards the pickers is not legal and justified. So the 2nd party workman prays to regularise the job of the workers from 18-6-82 and to pay statutory benefits as per the O.M.C. rules.

3. The case of the management is that Smt. Jatri Lohar and 29 others workers are working as daily wage laborers. It is false to say that they are either permanent or their work is to be treated as skilled work. The job of the pickers involves excavation in a geometrical shape from surface below the earth and for transportation ore, overburden waste etc. They are also engaged in other types of works. The regular employees of O.M.C. who are governed under Minimum Wages Act are entitled to other benefits under different Acts & Rules applicable to mines. Since the work of the pickers is to help the un-skilled labourers in presence of mines supervisors, a picker can never be regarded as within the category of skilled labour. That Govt. of India in the Ministry of Labour vide Notification dt. 12-7-94 has categorically put these pickers as semi-skilled workers. That in the year 1976 O.M.C. Recruitment and Promotion Rules came into existence and there is no such cadre as pickers. So they cannot be absorbed or regularised or given benefit of Promotion to higher grade. Hence they are not entitled to any relief.

4. On the aforesaid pleadings of the parties, the following issues are framed:

I : Whether the action of the S.G.B.K. Mn. Mines of Orissa Mining Corporation Ltd., in not regularising and not giving fixed scale of pay to Smt. Jatri Lohar and 29 others in proper and justified?"

II : If not, to what relief the workmen are entitled to?

5. The learned counsel for the 2nd party workmen submits that when the workers of other categories have been regularised and given promotional benefits. There is no justification in withholding the same from them. He argues that from the very nature of work, they do it can be clearly said that they are skilled labourers. They are continuously working since 1982 which fact has been admitted by the management. But unjustifiably they have not been categorised as departmental employees. His last submission is that their wages are being paid on monthly basis and not on daily wage basis which clearly prove that they are separate from daily wage earners and are at par with the regular employees. All these vehemently denied by the management counsel.

6. M.W.1 has stated that each of the 2nd party workmen is getting Rs. 50.30 per day plus other benefits like gratuity, Group Insurance, Annual Bonus. M.W.2 states that each picker is being paid Rs. 50.30 per day towards his/her wages. They are being paid their wages weekly up to 1995 and thereafter were paid monthly. From the above evidence of the witness it is clear that the wages of a picker is fixed on daily rate and not at monthly basis. In the case of these pickers their daily wages were being paid till 1995 on

weekly basis and thereafter at the end of the month. Receiving daily wages at the end of the month and receiving wages at monthly rate are two separate things. When wages are paid on daily basis they are called as daily wage earners, even if the same is paid at the end of the month calculating the daily wage for each date of the month.

7. As regards recruitment and promotion of the employees of the 1st party management, the same is guided by O.M.C. Ltd., recruitment & promotion Rules, 1976 vide Ext. 1. Under these rules, there is no such cadre which covers the workers called as pickers. Therefore the case of these pickers cannot be considered under these rules regarding promotional matters.

8. The question whether the pickers are to be treated as skilled, semi skilled or unskilled workers has been settled for all times by a notification issued by the Govt. of India in the Ministry of Labour Employment dt. 12-7-94 where pickers (Sl. No. 63) have been shown as semi-skilled workers.

9. Thus I find that these picker's claim for regularisation of service and back wages is not tenable. Accordingly issues are answered in favour of management.

Accordingly the reference is answered.

Dictated & corrected by me.

A. K. DUTTA, Presiding Officer

नई दिल्ली, 1 सितम्बर, 1999

का. आ. 2756 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बोलानी ओरस माईन्स के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय राऊरकेला के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-9-99 को प्राप्त हुआ था।

[सं. एल.-26012/12/95-आई. आर. (विधि)]
बी. एम. डेविड, अव. सचिव

New Delhi, the 1st September, 1999

S.O. 2756.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal/Labour Court, Rourkela as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bolani Ores Mines and their workman, which was received by the Central Government on 1-9-1999.

[No. L-26012/12/95-IR(M)]
B. M. DAVID, Under Secy.

ANNEXURE

IN THE COURT OF THE PRESIDING OFFICER :
INDUSTRIAL TRIBUNAL : ROURKELA

Industrial Dispute Case No. 99/97(C)

Dated, the 30th July, 1999

PRESENT :

Sri Alak Kumar Dutta,
Presiding Officer,
Industrial Tribunal,
Rourkela.

BETWEEN

The Asst. General Manager,
Bolani Ores Mines,
RMD, SAIL,
PO : Bolani,
Keonjhar.

.. Ist party

AND

The General Secretary (JRD),
Bolani Shramik Sangha,
PO : Barbil,
Keonjhar.

.. IInd party

APPEARANCES :

For the Ist party : Sri R. C. Tripathy,
Law Officer.

For the IInd party : Sri J. R. Dash,
General Secretary.

AWARD

The Govt. of India in the Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the I.D. Act, 1947 have referred the following dispute for adjudication vide No. L-26012/12/95-JR(M) dt. 4-1-1996 :

“Whether the action of the management of Bolani Ores Mines, Raw Material Division, SAIL, PO : Bolani, Dist : Keonjhar in superannuating Sri Manoranjan Mohanty vide management's letter dt. 8-3-94 w.e.f. 28-2-94 was justified? If not, what relief the workman is entitled to?”

2. In the statement of claim, the 2nd party has contended that his date of birth has been mentioned in the Form-B register as 17-5-1937 but in the identity card issued by the management date of birth was mentioned as 17-5-1938. In order to avoid discrepancy, the workman made representation on 15-3-94 to the management when the management superannuated him with retrospective effect from 28-2-94 by its order dt. 8-3-94. If he had not been illegally superannuated, then he would have continued in the service till 16-5-95, as per the provision of certified standing orders of the company.

3. It has further been contended by the workman that at first he was appointed by M/s. Bird & Co. on daily wage basis and was confirmed on 1-6-58. Subsequently, Bolani Ore Mine was taken over by SAIL on 29-12-78. So the employees of Bolani Ores Mines

were transferred to the control of SAIL. On the basis of the representation of the workman, the management sent the workman for medical examination for assessment of his age at I.G.H., Rourkela. Since the workman was an active member of the union, the management with mala fide intention superannuated him on 28-2-94 which runs counter to the entry of date of birth recorded in Form-B register, and also to medical report of I.G.H., Rourkela where it was assessed that the date of birth of the workman is 1940. So he should have continued till 1998. But the management deliberately suppressed it. So the 2nd party prays for the relief on reinstatement with full back wages till he reaches his superannuation on 28-5-98.

4. The Ist party management in its written statement contended that the reference is not maintainable and there is no dispute between them since the 2nd party was superannuated on attaining the age of superannuation i.e. 58 years as per the provision of the service conditions of the employees. On 10-7-59 the medical examination of the 2nd party was done for the first time, wherein his age was assessed by the medical officer as 23 years at that time. Once his service was terminated for his misconduct w.e.f. 28-12-62. Again the 2nd party was engaged w.e.f. 1-2-63. Again the 2nd party was referred for medical examination wherein his age was assessed as 27 years vide report dt. 5-2-63. On the basis of that report the 2nd party was superannuated on 28-2-94 on attaining the age of 58 years. On the basis of medical opinion, the 2nd party is rightly superannuated from service on attaining the age of 58 years. So the management prays to reject the claim of the 2nd party workman.

5. On the basis of the pleadings of the parties, the following issues were framed :

- I. Whether the reference is maintainable?
- II. Whether the action of the management of Bolani Ores Mines, in superannuating Sri Manoranjan Mohanty vide management's letter dt. 8-3-94 w.e.f. 28-2-94 was justified?
- III. If, not what relief the workman is entitled to?

6. In order to prove their case, the management has examined one witness and the 2nd party has also examined himself only in this case.

7. Issue Nos. 1 to III.—For the shake of convenience, all the issues have been taken up together. The present dispute is regarding fixing of date of birth of the 2nd party workman. The 2nd party strongly relies on medical examination report prepared by medical board on 29-12-93, on which date he was examined & taking his age on that date as 55 years. His date of birth has been calculated as 29-12-38. The management challenges this report on the ground that his name was wrongly recommended by an officer of the management for medical examination for which that officer was reprimanded and transferred vide Ext. G. The contention of the learned counsel for the management is that there was no dispute regarding the date of birth of the 2nd party workman since he was examined by the management's

Doctor twice previously. His date of birth has been accepted finally and so there was no ground for recommending his name again to the medical board to determine his age.

8. The 2nd party in his deposition has proved his representation dt. 19-2-87 vide Ext. 1 to record his date of birth as 29-5-40. Thereafter he received a letter from the Manager, Personnel vide Ext. 2 to attend the medical board at I.G.H. on 29-12-93 which he attended. He proves his identity card Ext. 5 where his date of birth has been mentioned as 17-5-38. He denies his medical examination in 1959 and 1963. He admits not filling any educational certificate at the time of his joining in service. The management witness deposing before the tribunal proves the standing order of the company vide Ext. A governing all the employees and Clause 12 of the order provides for recording the age of the employees. The 2nd party while joining in service had not mentioned his age, date of birth and had not filed any documents regarding his age. So as per the policy of the management he was referred to medical officer of the company and Ext. B is the medical report dt. 10-7-59. Subsequently his service was terminated and again he was given appointment on 1-2-62 vide Ext. C, and again as per the policy of the company he appeared before the medical officer for determination of his age and Ext. D is the medical report dt. 5-2-63. He proves the relevant page of Form-B register vide Ext. E covering the 2nd party workman. The 2nd party was the register keeper who maintained the same and put his signature in remarks column against the entry of his name & also as a register keeper. Then in June '82 SAIL, Head Office issued a circular vide Ext. 3 laying down guidelines for determination of date of birth of an employee. But as per this circular there was no dispute regarding date of birth of the 2nd party. But on 19-2-87 the 2nd party applied for change of date of his date of birth vide Ext. 1 enclosing a xerox copy of school transfer certificate. So he was again referred to medical board vide Ext. 2 and Ext. 5 is the medical report. As he was referred to the medical board which was not proper in view of the fact that his case did not fall under the purview of that circular. An enquiry was conducted and the concerned officer who referred the case of the 2nd party to medical board was reprimanded and transferred vide Ext. G.

9. Admittedly at the time of his initial appointment the 2nd party did not file any documents regarding his date of birth. So as per rule he was sent for medical examination for determination of his age & date of birth. Again when his service was terminated & he was again appointed again, as per rule he was sent for medical examination for determination of his age as by then he had not filed any documents in support of his age. Ext. B is the medical report dt. 10-7-59 giving his age as 23 years. Ext. D is the medical report dt. 5-2-63 giving his age as 27 years. The workman denies his such medical examination on these two dates & claims that these documents are not genuine and they do not contain his signature. But I am unable to agree that these documents are not genuine. It is true that the documents do not contain signature of the 2nd party. But for this, no column is provided

and there is no rule that the examine should sign on the medical report. Moreover the medical report Ext. F relied on by the 2nd party also does not contain his signature. Both Ext. B&D contain original signature of the medical officers. These documents are 30 years old. These documents were prepared when there was no such dispute of the workman with the management.

10. Ext. E is the relevant page of the Form-B register where the dates of the 2nd party have been given. This has been maintained by the 2nd party in his own hand and all columns have been filled up by him & he has put his signature in remark column against his entry and also signed at the bottom as register keeper. He has mentioned his age as 32 years on 1-1-69. So as per his own admission as per Ext. 1, he was born in 1936. No column is provided for mentioning the date of birth. That means his date of birth was determined twice by the medical board and he has also mentioned his age in the Form-B register which tallies with those medical reports. Clause 12 of the standing order vide Ext. A provides that when the workman fails to produce satisfactory evidence in support of his age, he shall be sent to the management's medical officer for examination and the opinion of such medical officer as regards workman's age shall be binding on the workman and the age recorded in the management's record shall be final and binding on the workman and shall not thereafter to be questioned by him at any time.

11. In the present case, he has been medically examined twice and on both occasions the opinion of the Doctors do not differ as regard his age and it gets support from the entry in the Form-B register maintained by 2nd party himself vide Ext. E. So there was no dispute regarding his age the rule 4.7 of Ext. 3 provides that where employee declares his date of birth during his service period and produced more than one documents in support of his such different dates of birth/age, such employee shall be liable to be referred to a medical board. That means only when the age or date of birth creates a controversy then he is to be recommended to a medical board. The 2nd party made representation in 1987 for change of his date of birth and in support of his claim he enclosed xerox copy of school transfer certificate. The learned counsel for the 2nd party showed me that certificate which is in the record but not marked. In that certificate his date of birth has been mentioned as 29-5-40. The learned counsel for the management submits that as this document is a fictitious one, the workman did not exhibit the same. In support of his contention, he invites my attention to column-7 where the workman's date of leaving the school has been mentioned as 31-5-60. The learned counsel argues that as per Ext. E, the workman joined in service in 24-2-58. That means more than two years before his leaving the school he had joined in service. In other words, he left school two years after his appointment in the mines. The learned counsel argues that as this fictitious certificate was enclosed giving another date of birth and raising controversy the officer of the management by mistake without perusing the certificate properly recommended his name for medical examination. I do not agree with the contention of the learned counsel for the management. By relying on a forged documents the

workman could manage to hoodwink the officers of the management who mistakenly sent for medical examination. Since the workman was already examined twice medically for determination of his age and since his age has been reflected in Form-B register by himself and since there was no controversy about this age there was no necessity for examination of the 2nd party and as such I attached no importance to this medical report, Ext. F.

12. Now the question is what is the date of birth of the 2nd party workman ?

13. As per Ext. E, the 2nd party was born in 1936. His first medical examination was done on 10-7-59 vide Ext. B and as per this medical report and by backward calculation his date of birth falls on 10-7-1936. When his service was terminated and again he was given appointment in that same company I think there was no further necessity of his medical examination for determination of his age, since it was done already four years back. However as per policy of the management he was again medically examined on 5-2-63 vide Ext. E. So by way of backward calculation his date of birth falls on 5-2-1936. Fixing this date 5-2-36 as his date of birth, he has been superannuated w.e.f. 28-2-94. Since on first occasion the 2nd party was examined in 1959 by the Doctor of the same company I fixed the date of birth of the 2nd party as 10-7-36. So the 2nd party should have been superannuated w.e.f. 31-7-1994. So he is to get monetary benefits for those five months. Accordingly all issues are answered.

Accordingly the reference is answered.

Dictated & corrected by me.

ALAK KUMAR DUTTA, Presiding Officer

नई दिल्ली, 1 सितम्बर, 1999

का. आ. 2757.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दैतारी आयरन ओर प्रोजेक्ट आफ ओ. एम. सी. लि. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय राऊरकेला के पंचाट को प्रकाशित करती है, जो सरकार को 1-9-99 को प्राप्त हुआ था।

[सं. एल.-26012/16/95-आई. आर. (विविध)]
सी. एम. डेविड, अवर सचिव

New Delhi, the 1st September, 1999

S.O. 2757.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal/Labour Court, Rourkela as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Daitari Iron Ore Project of OMC Ltd., and their workman, which was received by the Central Government on 1st September, 1999.

[No. L-26012/16/95-IR (Misc.)]
B. M. DAVID, Under Secy.

ANNEXURE

IN THE COURT OF THE PRESIDING OFFICER : INDUSTRIAL TRIBUNAL : ROURKELA

Industrial Dispute Case No. 113/97(C)

Dated, the 7th June, 1999

PRESENT :

Shri A. K. Dutta, O.S.J.S.
(Sr. Branch)
Presiding Officer,
Industrial Tribunal,
Rourkela.

BETWEEN :

The General Manager,
Daitari Iron Ore Project of
OMC Ltd. PO : Talapada,
Dist. : Keonjhar (Orissa) .. 1st party.

AND

Md. Suleman, S/o Md. Latif,
Vill : Fazalpur, PO : Korai,
Distt. : Jajpur (Orissa) .. 2nd party

APPEARANCE :

For the 1st arty .. None
For the 2nd party .. None

AWARD

The Government of India in the Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and Sub-section (2A) of section 10 of the Industrial Dispute Act, 1947 have referred the following disputes for adjudication vide No. L-26012/16/95-IR(Misc.) dated 9-5-96 :

"Whether the action of the management of Daitari Iron Ore Project of OMC Ltd. in terminating the services of Md. Suleman, Security guard on the plea of closure of the Quarterzite Mine at Baliparbat and subsequent non-recommendation by the Recruitment Committee is justified? If not, to what relief the workman is entitled to?"

2. The case was fixed on 18-5-99 for hearing. Since neither of the parties appeared before this Tribunal on that date, it can be presumed that, at present there is no dispute between them or they have amicably settled the dispute out side the Court in the mean time. Accordingly No Dispute Award is passed. Dictated and corrected by me.

A. K. DUTTA, Presiding Officer

नई दिल्ली, 1 सितम्बर, 1999

का. आ. 2758.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उड़ीसा माईनिंग कापोरेशन लि. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय राऊरकेला के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-9-99 को प्राप्त हुआ था।

[सं. एल.-26012/36/96-आई. आर. (विविध)]
बी. एम. डेविड, अवर सचिव

New Delhi, the 1st September, 1999

S.O. 2758.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal/Labour Court, Rourkela as shown

in the Annexure in the Industrial Dispute between the employers in relation to the management of Orissa Mining Corporation Limited and their workman, which was received by the Central Government on 1st September, 1999.

[No. L-26012/36/96-IR (Misc.)]
B. M. DAVID, Under Secy.

ANNEXURE

IN THE COURT OF PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL, ROURKELA

Industrial Dispute Case No. 139/97(C)

Dated, the 3rd June, 1999

PRESENT :

Sri Alak Kumar Dutta,
Presiding Officer,
Industrial Tribunal,
Rourkela.

BETWEEN

The General Manager,
Orissa Mining Corporation Ltd.,
Bhubaneswar. Ist party.

AND

Sri B. C. Samantray, represented by General Secretary, O.M.C. Workers Union, Daitari Iron Ore Project, P.O. Tolapada, Keonjhar.
IInd party.

APPEARANCES :

For the Ist party—Sri B. S. Majhi, Dy. Manager.

For the IInd party—In person.

AWARD

The Government of India in the Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 have referred the following disputes for adjudication vide No. L-26012/36/96-IR(M) dated 5th December, 1996 :

Whether the action of the management of Orissa Mining Corporation Ltd. (Daitari Iron Ore Mines) in not granting EB to Sri B. C. Samantray, Attendant Gr. II from 1st January, 1986 with cumulative effect and also not allowing advancement of pay scale, as per existing rule of Orissa Mining Corporation Ltd. is justified? If not, to what relief the workman is entitled to?

2. In the written statement filed by the 2nd party workman, his grievances are two fold i.e. (i) grant of E.B. to him with effect from 1st January, 1986 and (ii) grant of advancement of pay as per rules of the corporation. He claims that the Ist party management being State public sector company of Government of Orissa, its board of directors are competent to form rules & regulation for governance of its employees & to take decisions pertaining to pay scale and service conditions of the employees from time to time.

3. The Ist party management revised the pay scale of O.M.C. employees from 1st January, 1985. But prior to revision of pay scale the IInd party was enjoying the pay scale of Rs. 305-12-365-EB-15-435-16-515 which was revised to Rs. 800-18-926-EB-20-1106-24-1130-EB-24-1250 with effect from 1st January, 1985. The order of revision of pay scale was given retrospective effect from 1st January, 1985, and the order was communicated in December, 1986. The pay of the IInd party was fixed at Rs. 926 on 1st January, 1985. But when the pay fixation was made in April/May 1987, the IInd party was also allowed usual annual increments in the revised pay and his pay was fixed at Rs. 926 as on 1st January, 1987 which was above the stage of E.B. in the revised scale of pay. But the management at that stage (from 1st January, 1988) did not allow further annual increments for not crossing the E.B. which is illegal and mala fide as there was no E.B. to cross at the stage of Rs. 966 in this revised scale.

4. In order to corroborate the mala fide action, the Ist party management communicated adverse remark of CCR for the year 1987-88 vide letter dated 7th September, 1988 and for the year 1986-97 vide letter dated 27th July, 1989 to him. As per rules, the adverse entry in C.C.R. of an employee for a particular year should be communicated within six months to him. But the above two letters regarding adverse entry in C.C.R. for the year 1986-87 was communicated one year after communication of C.C.R. for the year 1987-88 which shows mala fide action of the management.

5. Regarding IInd point, it is submitted by the workman that the board of directors in their meeting held on 16th August, 1986 allowed advancement of pay to the employees who had completed 15 years of service in one post as on 1st January, 1985. Since the workman has completed 15 years as on 25th February, 1989, he is entitled to get the benefits of time bound advancement pay in the scale of pay of Rs. 875 to Rs. 1425 from 25th February, 1989. But the same was not allowed to the workman on the plea that he was not allowed to cross E.B. at that time which is totally false. So far such illegal, arbitrary & discriminatory action of the management, the workman sustained huge financial loss of about Rs. 300 per month in his service period. So he prays to get the benefits as per the rules & practice of the management.

6. In reply, the management has stated that the claims of the IInd party workman are wholly devoid of any merit and hence the reference is liable to be rejected. It is stated by the management that the pay of IInd party workman was fixed at Rs. 926 as on 1st January, 1985 in the revised scale of pay of Rs. 800-18-926-EB-20-1106-24-1130-EB-24-1250 and his subsequent annual increment which fell due on 1st January, 1986 and 1st January, 1987 was also allowed to him. The basic pay of IInd party as on 1st January, 1987 was Rs. 966. However since the IInd party purge the adverse CCR for the year 1986-89 and thereafter annual increments w.e.f. 1st January, 1988 onwards were not allowed. Subsequently the IInd party was allowed to cross EB at the stage of Rs. 966 without cumulative effect from 1st January, 1989 due to adverse C.C.R. entries. Thereafter the IInd party submitted grievance petition on 18th July, 1992 to expunge the adverse CCR for the year 1986-87 and

1987-88 which was rejected by the Chairman-cum-Managing Director after careful consideration.

7. It is submitted by the management that the 2nd party joined under the organisation on 25th February, 1974. Since the 2nd party had not completed 15 years of service as on 1st January, 1985, he was not allowed to get the benefit of time bound advancement scale of pay. Although the 2nd party completed his 15th year of service on 25th February, 1989, he was not given advancement pay as per rule due to his receiving adverse CCR in two years in preceding three years. So the management prays to answer the reference in his favour.

8. On the aforesaid pleadings, the following issues are framed :—

1. Whether the action of the management in not granting EB to Sri B. C. Samantray, Attendant Gr. II from 1st January, 1986 with cumulative effect and also not allowing advancement of pay scale, as per existing rule of Orissa Mining Corporation Ltd is justified?

II. If not, to what relief the workman is entitled?

9. In order to prove their cases, both parties have examined one witness each and filed documents.

10. Issue No. I & II.—The grievance of the 2nd party workman is two fold. I will consider them one by one.

Granting of E.B.—In the revised pay scale of Rs. 800-18-926-EB-20-1106-24-1130-EB-24-1250 which came into force from 1-1-85. The pay of the 2nd party workman was fixed at Rs. 926, as on 1-1-85. This fact has not been disputed. At this stage, he was to cross the E.B. to get his next increments from 1-1-86. Admittedly his pay was fixed at Rs. 946 on 1-1-86 and Rs. 966 from 1-1-87. But thereafter, the 2nd party was not allowed to cross E.B. at the stage after Rs. 966 without cumulative effect from 1-1-89, as he had adverse CCR entries for the years 1986-87, and 1987-88. But this action of the management I find is not at all fair. In the revised pay scale, there is no crossing of E.B. at the stage of Rs. 966. The E.B. is to be crossed at the stage of getting next increment after Rs. 926. The management cannot change the stage of E.B. from one pay scale to another pay scale. Before granting of increments on 1-1-86 the management had to look into his papers to consider whether he was fit to cross the E.B. and only after satisfying himself about his eligibility he would have been allowed to cross the E.B. Once, his pay has been fixed at higher scale on 1-1-86, it must be presumed that the authority has allowed him to cross the E.B. The witness for the management states that by mistake the workman was allowed increment on 1-1-86 & which came into force from 1-1-85. The pay of the on 1-1-87, raising his pay to Rs. 966. So this mistake was corrected by fixing the E.B. at the stage of Rs. 966. But it is not corrected. On 1-1-86 there was no adverse entry in his C.C.R. as not stated by the management. He has been allowed to cross the E.B. at this stage. So the question of fixing the E.B. at the stage of Rs. 966 is unfair and the workman should be granted E.B. from 1-1-86 with cumulative effect.

11. Advancement of pay scale.—The workman claims advancement of his pay from 25-2-89 when he completed 15 years of service on that date in the same grade, as per the principles decided by Govt. of Orissa in Finance Department. The management does not dispute about the worker getting such benefit. In para 5 it is clearly mentioned that this benefit is available to those who are eligible for promotion including the passing of departmental examination/test clearance of D.P.C./P.S.C. and who had not suffered from any indictment unpreceding last three years. That means if a person has got adverse entry in his C.C.R., in the proceeding three years than he is not eligible for this benefit. Admittedly the 2nd party received adverse CCR for the years 1986-87 and 1987-88. He completed 15 years of service on 25-2-89. That means he had adverse entries for two years in the preceding three years. So he is not entitled to get this benefit. This has also been communicated by Govt. of Orissa, Steel & Mines Department vide Ext. A So I hold that the 2nd party workman is not entitled for advancement of pay, as claimed by him.

12. Accordingly the reference is answered.

ALAK KUMAR DUTTA, Presiding Officer

नई दिल्ली, 1 सितम्बर, 1999

का. आ. 2759.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रौलजोरा कालीमती मैंगनाईज भाईन्स, सी. एम. एल. रंगटा के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में औद्योगिक अधिकरण/अम नायालय राऊरकेला के त्वाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-9-99 को प्राप्त हुआ था।

[सं. एल.-27012/3/97-आई. आर. (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 1st September, 1999

S.O. 2759. —In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Tribunal/Labour Court, Rourkela as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Siljora Kalimati Mn. Mines of M/s. M. L. Rungta and their workman, which was received by the Central Government on 1st September, 1999.

[No. L-27012/3/97-IR(Misc.)]
B. M. DAVID, Under Secy.

ANNEXURE

IN THE COURT OF PRESIDING OFFICER: INDUSTRIAL TRIBUNAL: ROURKELA

Industrial Dispute Case No. 175/97(C)

Dated, the 31st May, 1999

PRESENT:

Sri Alak Kumar Dutta,
Presiding Officer,
Industrial Tribunal,
Rourkela.

BETWEEN:

The Agent, Siljora Kalimati Mn.
Mines, M/s M. L. Rungta, Barajamia,
Dist: Singhbhum (Bihar) .. 1st party

AND

Sri Dasarathi Laguri, Ex-Driver,
PO: Siljora, Dist: Keonjhar .. 2nd party

APPEARANCES:

For the 1st party .. Sri R. Agrawal,
Auth. Representative.

For the 2nd party .. Sri B. Khilar,
Gen. Secretary.

AWARD

The Govt. of India in the Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 have referred the following disputes for adjudication vide no. L-27012/3/97-IR(M) dt. 19-6-97:

"Whether the termination of the workman, Sri Dasarathi Laguri by the management of Siljora Kalimati Mn. Mines of M/s M. L. Rungta, PO: Siljora, Dist: Keonjhar w.e.f. 8-6-96 is justified & proper? If not, what relief the workman is entitled to?"

2. In the written statement, it has been stated by the workman that he was working as a driver under the management from 31-10-89 permanently. While working as such on 9-1-96 the management declared a half day holiday on that day after 4 hours of work & arranged a get together of the workmen in a merry making. On demand of full days wage by the workman, the management in order to defeat their demand falsely chargesheeted this workman alleging that clause 30 of the standing order was violated.

3. During domestic enquiry, neither the complainant was examined nor the workman was allowed to cross examine the complainant. So the workman was not allowed sufficient opportunity to defend his case. Thus the domestic enquiry and its findings are perfunctory and as such it should be quashed. So he prays for reinstatement with back wages.

4. The management in its written statement has stated that while the workman was working as a driver under it, on 21-1-96 a complainant was received by the Agent-Cum-General Manager from the Sr. Manager with serious allegation of misconduct i.e. on 21-1-96 at about 3.30 P.M. a large group of workers led by this 2nd party workman, Sadho Baipai, tractor operator, Nanda Pradhan, Aiban Purty and others came to the office chamber & shouted that they would take full wages for the whole day of 9-1-96. The agitated workers threatened, pushed, abused and pulled the management staff. So the workman was chargesheeted.

5. Since the explanations submitted by 7 workers were found unsatisfactory, the Agent-Cum-General Manager constituted an enquiry committee and appointed Sri P. K. Sen as Enquiry Officer. The enquiry was conducted following the principles of natural justice. On the basis of the enquiry finding, the disciplinary authority dismissed the 2nd party workman. So the management prays to pass the award in its favour.

6. On the basis of the pleadings of the parties, the following issues were framed:

I: Whether the reference is maintainable?

II: Whether the General Secretary, Orissa Mining Workers Union has the locus standi to represent the workman in the present dispute?

III: Whether the domestic enquiry held by the management is fair and proper?

IV: Whether the termination of the workman Sri Dasarathi Laguri by the management is justified and proper?

V: If not, what relief the workman is entitled to?

6. An order to prove their case, the management has examined four witnesses and workman has examined himself only on his behalf.

7. Issue nos. I, III, IV & V:—I will take up these issues together for the sake of convenience. Only the 2nd party workman has given evidence on his behalf. According to him on 21-1-96 he and about 49 other workers requested the Manager of the 1st party to make full payment of their wage for 9-1-96. He agreed and directed the cashier to make full payment to all of them. He denies abusing M.W. 1 & others in filthy language. He denies giving threat to kill them. His evidence does not get any corroboration. On the other hand the management gives out a different story examining witnesses as to what happened on 9-1-96 and 21-1-96. M.W. 1 states that on 9-1-96 about 50 workers did not work after working only for two hours. So their wages were deducted proportionately. M.W. 4 states that on 9-1-96 all the workman of 1st party management worked for two hours. Then 50 workmen left their workspot and approached M.W. 1 to give a truck to enable them to go for a picnic. He asked them to go for picnic on any off day. But the workmen did not listen. M.W. 1 did not give them any vehicle. So the workers went on foot to the place of picnic while the other workers worked for the full day. So the bill for 50 workers was prepared for two working hours for 9-1-96. That many of the workers were not paid full wages for 9-1-96 for leaving their work after two hours, even has been admitted by the 2nd party workman, when 2nd party workman himself in his evidence states that on 21-1-96 he and 49 others requested the manager to make full payment of their wages for 9-1-96. Again by this, he has also proved that on 21-1-96 about 50 workers alongwith 2nd party had been to the office of the management, to demand full wages for 9-1-96. Eventhough many of them worked for only two hours. The 2nd party workman has given his statement in the domestic enquiry where he has admitted about workers going on picnic which he did not attend due to illness of his son.

8. The incident of 21-1-96 has been stated by M.W. 1, 3 and 4. M.W. 3 states that on 21-1-96 at about 3.30 P.M. while he was in his office the 2nd party workman & six others came to him and enquired whether their full bills for 9-1-96 was prepared. When he replied in the negative, all of them went to the office of Manager. M.W. 1 and after some time he saw about 50 persons raising hulla. The evidence of M.W. 3 that 50 workers went to the office of M.W. 1 and raised hulla has not been challenged. M.W. 1 states that on 21-1-96 at about 3.30 P.M. those workers who were not paid their full wages being led by 2nd party workman and two others came to his office & abused him in filthy language. The 2nd party workman and two others instructed the female workers to drive him out from his office, with a view to assault him outside. The mob also abused the welfare officer and the Asst. Manager, M. Sahu. The 2nd party workmen shouted in Oriya saying "to assault & kill the Manager if full payment was not made on that day". When a group of female workers attempted to enter inside his office room, he voluntarily came out and declared under duress to pay the workers their full wages for 9-1-96. Only a general suggestion has been given to this witness that the 2nd party workman have not gone near his office on that day and did not abuse or intimidate him which he has denied. M.W. 4 states that on 21-1-96 at about 3.30 P.M. those 50 workers under the leadership of 2nd party

workman and three others came to the office of management and shouted. When Umakanta Moharana, an employee of the management tried to pacify the unruly mob, Sadhu Bajpai assaulted him. Then the mob instigated the female workers to drag M.W. 1, A. R. Mishra and him from the office of M.W. 1 where they were sitting. The 2nd party & others abused them in filthy language. The 2nd party workman further intimidated them to kill if full wages for the entire day of 9-1-96 is not paid to all of them. So all the officers sitting there came out and under duress the manager declared to make payment for the entire day i.e. for 9-1-96 to all the workers. In cross examination, a general suggestion has been given to him that the 2nd party did not intimate them, did not led workers to the office of the management which he has denied. The 2nd party workman in his statement before the E.O. has also admitted that he alongwith others had been to the office on 21-1-96, abused the Manager, threatened him. The evidence of the witness has not been shaken in cross examination. So far this high handedness and unruly behaviour the 2nd party workman was charge-sheeted vide Ext. 1 and domestic enquiry was conducted by E.O. M.W. 2.

9. The learned counsel for the 2nd party workman submits that this enquiry was conducted not properly and in an unfair manner without following the principles of natural justice. So the management is not justified in terminating the services of the 2nd party workman. On the other hand, the learned counsel for the management argues that principles of natural justice have been followed in conducting the enquiry and no harshness has been shown by the management in terminating the services of the 2nd party workman, in view of the seriousness of the offence committed by the 2nd party workman.

10. Now it is to be seen whether any prejudice has been caused to the 2nd party workman in conducting this enquiry. M.W. 1 has stated that copy of the charge was supplied to the 2nd party workman vide Ext. 1 and he was asked to furnish explanation which he submitted vide Ext. 2. The explanation was not found satisfactory and so the enquiry committee was constituted and M.W. 2 Sri P. K. Sen was appointed as E.O. No denial suggestion has been given to this witness about supply of chargesheet, and submission of explanation, as stated above. The learned counsel for the 2nd party submits that the enquiry proceedings was not read over and explained to him and the management did not allow him to cross examine the management witnesses and to adduce evidence on his behalf. M.W. 2 is the E.O. He states that he fixed the enquiry date to 27-3-96. Three witnesses were examined on behalf of the management. M.W. 1 & 4 gave their statements in writing in his presence and he recorded the statement of other witnesses Umakanta Moharana. The 2nd party was asked to cross examine the witness but he did not avail the same. He also states that he made over a copy of list of witnesses examined on behalf of the management to 2nd party. Ext. 4 is the domestic enquiry proceeding. On perusal of proceedings file I find that 2nd party was intimated about the enquiry date 27-3-96. The copy of the letter is there in the proceedings. The statements of M.W. 1 and M.W. 4 is here. The 2nd party has put his signature on both these statements showing his presence when the same was written. At the bottom of these statements the E.O. has given endorsement that these statements were read over and explained in their language which he understood and opportunity to cross examine the witnesses was given, but not availed. The statement of Umakanta Moharana is also there. At the bottom the E.O. has endorsed that "the same was explained to him. The witness was scolded by those who present and out of fear he fled away from the place". In view of such endorsement given, I find no reason to disbelieve the version of the E.O. that he offered opportunity to 2nd party workman to cross examine the witness which he did not avail. The proceedings file shows that on that day the 2nd party also gave his statement before the E.O. In his statement he admits going to the office of management on 21-1-96 and charging the Manager for chargesheeting him. He admits that he and others abused the manager, threatened him and made noise. There is no evidence to believe the version of the 2nd party that opportunity was not given to him to cross examine the witness. When his own statement was recorded I fail to understand why the E.O. did not allow examination of other witness on behalf of the 2nd party

workman, as alleged by him. From the admission of the 2nd party workman and from the facts that he attended the enquiry on the date fixed I find no reason to hold the enquiry as improper or unfair on any ground. Violence was let loose by unruly workers led by 2nd party and some others who abused, threatened the officers of the management. No leniency can be shown to such workers for their unruly behaviour which will aggravate the situation and it will just be impossible for the management to operate the mines smoothly. The management has shown no harshness in terminating the services of the 2nd party workman. The proper punishment has been awarded to him accordingly the 2nd party is not entitled to any relief and the reference is not maintainable. All these issues are answered in favour of the management.

11. Issue No. II.—Not pressed and hence answered accordingly.

Accordingly the reference is answered.

ALAK KUMAR DUTTA, Presiding Officer

नई दिल्ली, 1 सितम्बर, 1999

का.सा. 2760—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल इंस्टीट्यूट आफ ट्रेनिंग इन इंडस्ट्रियल इंजीनियरिंग के प्रबंधन के संबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 1, मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-9-99 को प्राप्त हुआ था।

[सं. एन-42012/138/92-आई. आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 1st September, 1999

S.O. 2760.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal No. 1, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of National Institute of Training in Industrial Engineering and their workman, which was received by the Central Government on 1-9-99.

[No. L-42012/138/92-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

PRESENT :

Shri Justice C.V. Govardhan, Presiding Officer.

REFERENCE NO. CGIT-1/37/1993

PARTIES :

Employers in relation to the management of Director, National Institute of Training in Industrial Engineering, Bombay.

AND

Their Workmen

APPEARANCES :

For the Management : Shri Nishan, Advocate

For the Workman : Shri S. P. Kulkarni, Advocate.

STATE : Maharashtra.

Mumbai, dated the 18th day of August, 1999

AWARD-PART II

1. My learned predecessor has passed a Part-I Award holding that the enquiry held against the workman was legal, fair and proper and does not suffer from any infirmity. The matter was adjourned for hearing the parties on the question of the perversity of the findings of the Enquiry Officer. The matter was taken up today for the said purpose.

2. The learned advocates of both the sides are present. One Ms. Reeta Ramamurthy, daughter and legal heir of the claimant has filed an application stating that her father, the claimant expired on 6th July 1999 in a local train accident and the legal/authorised representative namely; herself is not interested in pursuing the above reference and the reference may be disposed as "Not pressed and withdrawn". I have heard both the learned advocates and also the applicant namely Miss Reeta and satisfied that the legal representative of the Claimant, Mr. Ramamurthy are not interested in pursuing the matter any further. In the interest of industrial peace it will be expedient to dispose the reference as not pressed and withdrawn. The legal representative has prayed for a reasonable compensation be awarded to the authorised representative. I am of opinion that payment of an amount equal to the gratuity for which the claimant will be entitled upto the date of his termination may be awarded as compensation. In that view an award is passed as follows:

"The Industrial Dispute is settled out of the Court and withdrawn. The Respondent Management is directed to pay the equivalent sum of money for which the claimant would be entitled by way of gratuity till the date of his termination as compensation to Miss Reeta Ramamurthy, the legal and authorised representative of the claimant. It is open for the legal representative to approach the management directly for any other issues which are to be settled between them.

Application filed by the daughter of the claimant will form part of the Award".

C. V. GOVARDHAN, Presiding Officer

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

PRESENT :

Shri Justice R. S. Verma, Presiding Officer.

REFERENCE NO. CGIT-37 OF 1993

PARTIES :

Employers is relation to the management of Director, National Institute of Training in Industrial Engineering, Bombay.

AND

Their Workmen

APPEARANCES.

For the Management : Shri Karve, Advocate.

For the Workman : Shri Karvande.

STATE : Maharashtra.

Mumbai, dated the 24th day of April, 1997

AWARD—PART-I

1. The appropriate government has referred the following dispute for adjudication to this Tribunal :—

"Whether the action of the Management of NITIE in terminating the services of Shri P. R. Ramamurthy, Secretary to Director with effect from 22nd Nov., 1988 is legal and justified? If not, what relief the workman is entitled to?"

2. The workman filed his statement of claim on 23-11-93. The Management filed its reply on 31-1-94.

3. Briefly stated, the facts of the case are that Shri P. R. Ramamurthy was in the employment of the National Institute of Industrial Engineering, Bombay (NITIE). On 5-1-87 the Director of NITIE served a charge sheet upon Shri Ramamurthy. The charge sheet consisted of as many as seven heads of charges. A domestic enquiry was held into the said charges by an Enquiry Officer appointed in this behalf. The Enquiry Officer found all the charges proved against Shri Ramamurthy. Shri P. R. Ramamurthy had participated in the said enquiry. The Enquiry Officer, Prof. J. Chandrasekharan submitted his report to the Director of NITIE who issued show cause memo No. 109/88 dated 11-11-88 to Shri Ramamurthy, inter alia proposing the penalty of dismissal upon the workman. With the show cause notice, a xerox copy of the findings of the Enquiry Officer were enclosed.

4. The workman replied to the aforesaid show cause notice by letter dated 17-11-88 wherein he inter alia stated as follows:

"I would like to give an undertaking that in future I will not repeat the mistake and shall abide the rules and regulations of the Institute I would now request you to take lenient view of the whole matter and help me in continuing my loyal services to this Institute of repute."

5. The Director considered the aforesaid reply of Shri Ramamurthy and was of the view that the charges proved against Shri Ramamurthy were of grave and serious nature and Shri Ramamurthy deserved to be dismissed from service. Consequently, the Director dismissed Shri P. R. Ramamurthy from services of the Institute with effect from 22-11-88 A.N.

6. Aggrieved by the order of dismissal, the workman raised an industrial dispute and conciliation having failed, the appropriate government referred the dispute as aforesaid for adjudication to this Tribunal.

7. The workman in his written statement of claim has inter alia challenged the legality and fairness of the domestic enquiry held against him. On 16-2-96, the tribunal enquired from the parties if they wanted to lead any oral evidence on the aforesaid preliminary issue of legality and fairness of the domestic enquiry. However, both the sides stated that they did not want to lead any oral evidence on the preliminary issue. Both sides proposed to rely upon the documentary evidence already filed on record by them.

8. Hence, the question of fairness and legality of the enquiry was argued by the learned counsel for the parties. While doing so, the learned counsel for the workman also raised the question of competence of Director of NITIE to dismiss the workman. Vide order dated 11-12-96, parties were permitted to place documentary evidence on this question and the matter was finally heard on the aforesaid preliminary issues namely whether the domestic enquiry held against the workman was fair, legal and proper and secondly whether the Director, NITIE was competent to pass the dismissal order against the workman.

9. First of all, I would take up the question in the enquiry held against the workman was legal, fair and proper. The Management has placed on record the findings of the Enquiry Officer as also the xerox copies of the daytoday proceedings of the domestic enquiry.

10. The enquiry was commenced on 15-7-88 by the Enquiry Officer, Prof. J. Chandrasekharan. The Presenting Officer for the Management was Shri G. R. Karve, Advocate. The workman did not appear before the Enquiry Officer on that date even when the Enquiry Officer waited till 11.00 a.m. The Enquiry Officer adjourned the enquiry to 20th of July, 1988 and the Presenting Officer was asked to make arrangement for communicating the next date of enquiry to Shri Ramamurthy.

11. On 20th of July, 1988 the enquiry was commenced and Shri P. R. Ramamurthy, workman was present. Shri G. R. Karve, Advocate, Presenting Officer of the Management was

present. The Enquiry Officer informed the workman Shri P. R. Ramamurthy that Shri C. R. Karve, Advocate has been appointed as the Presenting Officer and was further asked if he was defending himself on his own or he required assistance of any other person to assist him. In answer to this query, Shri Ramamurthy stated as follows :

"So far I have not given a thought for defending me. As the enquiry proceeds and in case I need a lawyer at that time, I request the E.O. to give me an opportunity".

Upon this statement of the workman, Shri G. R. Karve Presenting Officer of the Management stated as follows :

"The Institute will have no objection for allowing Mr. Ramamurthy for defending/assisting him by an employee working in the Institute or an Advocate if he so chooses". However, Mr. Ramamurthy reserved for himself for bringing in the advocate if and when required. After all the aforesaid had transpired Mr. Ramamurthy stated that he would need one month's time. This was objected to by Mr. Karve upon which workman Shri P. R. Ramamurthy agreed for a shorter date and the enquiry was adjourned to 26th July, 1988. However, before adjourning the enquiry, the enquiry officer explained the procedure to be followed at the domestic enquiry. The procedure to be adopted at the enquiry was as follows :

First the P.O. will start on behalf of the Institute. He may also examine the witnesses supporting the Institute's stage. After each witness is examined in-chief the charge sheeted employee and the person defending him will be given an opportunity to cross examine that witness, i.e. the witness examined will be allowed to cross examine immediately, and the recording will be done immediately on the typewriter.

After the Institute closes the case, Mr. Ramamurthy will be allowed to make his own statements in addition to explanation and other documents presented in the enquiry. It will be his oral statement during the proceedings. At that time, his advocate will not be saying anything. Whether Mr. Ramamurthy makes the statement or not the Institute will have a right to cross examine him. Thereafter, one by one Mr. Ramamurthy will produce his witnesses if any and the Institute will have the right to cross examine the witness each time after the examination-in-chief is over of that witness. After the proceedings are completed the parties will be at liberty to argue the matter orally or by written arguments. After hearing is completed I will give my findings. Each page of the proceedings will be signed by the parties concerned including the witnesses, and it will be responsibility of the parties concerned to bring their witnesses".

12. Now the workman has submitted that he was not allowed to be represented by an Advocate at the domestic enquiry, even though the Management was being represented by an Advocate and hence the enquiry stands vitiated. The learned counsel for the management has submitted that it was the workman himself, who did not choose to be represented by an Advocate and hence merely because the management was being represented by an Advocate. It cannot be said that the enquiry was vitiated. I have considered the rival contentions. I have already narrated as to how the workman himself refused to avail services of an advocate even though he was asked to intimate so. There is nothing on the record to show that after his initial refusal he at any point of time during the course of enquiry requested the Enquiry Officer for permission to be represented by an Advocate. In these circumstances, the workman cannot complain that the enquiry should be held to be vitiated because the management was represented by an advocate and he was not similarly represented. If the workman chooses not to exercise the option of being represented by an advocate, the Management cannot thrust upon the workman an advocate to represent him. I, therefore find no substance in this contention and the same deserves to be rejected out right and is hereby rejected.

13. The next contention on behalf of the workman is that the workman was cross examined by the learned counsel for the management for almost 15 days and this cross examination was wholly unwarranted. In this very regard it is submitted that in the procedure laid down by the enquiry officer it was specifically stated that "Whether Mr. Ramamurthy makes a statement or not, the Institute will have the right to cross examine him". It is submitted that thus Mr. Ramamurthy, the workman was compelled to be a witness against himself and was subjected to very lengthy cross examination.

14. The learned counsel for the Management submits that the charges against the workman ran into as many as seven articles. Mr. P. R. Ramamurthy workman had voluntarily commenced his statement on 20th of September, 1988 and was continued till 21st September 1988. At page 145 of the compilation of the Management, following recital appears.

"Mr. P. R. Ramamurthy stated that he would like to examine himself and give his statement orally and that he would like to submit his argument at the proper stage."

This recital goes to show that Mr. Ramamurthy, the workman entered the witness box on his own i.e. voluntarily. His examination-in-chief commenced at page 146 and was continued till the middle of page 158. It was thereafter that the cross examination of Mr. Ramamurthy was commenced. He had to be subjected to lengthy cross examination looking to the nature of the charges and the statement made by him in examination in itself and nothing has been brought on record to show that the cross examination was improper or vexatious or frivolous.

15. This is true that in the procedure laid down the enquiry officer had stated to the effect that whether Mr. Ramamurthy makes a statement or not, the Institute will have a right to cross examine him. However, this lost all significance when Mr. Ramamurthy voluntarily appeared as his own witness to establish his defence. Moreover, it is only in a criminal case that an accused cannot be compelled to be a witness against himself. Privilege against self-incrimination is not available in domestic enquiries or for that matter, even in civil cases. However as stated above this objection is not worth much. Learned counsel for the workman referred to observations in Ghias Departmental Enquiries in page 954 wherein it has been stated that the counsel have no right to unlimited cross examination. This observation does not help the workman in any manner. I, therefore, find that this objection also deserves to be rejected altogether.

16. Further, contention was raised that the workman had an apprehension that he would not get justice from the Enquiry Officer. No cogent reasons have been given why he would not get justice from the Enquiry Officer. It does appear the workman moved an application for change of the Enquiry Officer. But the same was rejected. Merely on this basis it cannot be said that the Enquiry Officer was prejudiced against the workman in any manner and the workman was not likely to get justice at the hands of the Enquiry Officer. The Enquiry Officer was bound to proceed with the enquiry when the Competent Officer declined to change the Enquiry Officer. No adverse inference can be drawn against the Enquiry Officer on this count.

17. A contention was also raised that the Enquiry Officer did not recommend any punishment even though he should have recommended punishment consequent upon the findings of guilty recorded by him. This objection is neither here nor there and eventually learned counsel for the workman stated that he would not be pressing this contention. I, therefore, reject this contention as well.

18. The next contention put forth on behalf of the workman is that the Director, who issued the order of dismissal dated 22nd November, 1988 was not competent to pass the said order of dismissal. In this connection, the pleadings are contained in para 12 of statement of claim. This reads as follows :

"It is respectfully submitted that the impugned order of the Director is illegal and without jurisdiction. The pay scales of the claimant at the time of impugned order as revised was Rs. 2000—60—3200. Chapter

IV of the NITIE Service Rules provides for appointments and the appointing authority. Rule 7.1 in the said chapter further provides that for the post carrying pay scale of Rs. 1200 and above, the appointing authority is the Board. Chapter VII of the very Rules provides for code of discipline. Rule 45.3 of the very Chapter provides that no employee can be reduced to a lower scale or post, by whom he was appointed. In brief it is in parimateria with the Central Government Service Rules which specifically provide that dismissal cannot be by an authority subordinate to the appointing authority. Assuming for the sake of argument that the pay scales were revised subsequently the Rules have not been changed. On the date of impugned order Director was not the appointing authority and hence the order is bad."

The Management has refuted this contention and had pleaded as follows:

"1. (a) The National Institute of Industrial Engineering has Selection Committee for considering the applications for different posts. As per the Selection Committee's recommendations dated 23-3-1984, Shri P. R. Ramamurthy was selected to the post of Secretary to the Director in the pre-revised scale of Rs. 650—960. The recommendations of the Selection Committee were approved by the Director who is the Appointing Authority in the case of Group 'B' employees. The Service Rules New on page 6, Rule 7.1 is very clear on this point. On pages 17 to 20 the designations and pay scales have been given. The old Service Rules are corresponding to the new Rules. (See page 6 and page 30) the said Rules will be produced and relied upon.

1. (b) The Director has discretion to delegate powers to the Registrar to issue appointment letters. Accordingly, an appointment letter dated 26-3-1994 was issued to Shri Ramamurthy under his signature. Registrar has been delegated powers to issue letters to the Groups B, C and D categories of employees.

1. (c) Shri Ramamurthy was appointed by Director, he being the Appointing Authority—in the old pay scale of Group B i.e. Class II Rs. 650-30-740-35 880-EB-40-960 Class II is as per the Third Central Pay Commission recommendation.

1. (d) Subsequently, as per the Fourth Central Pay Commission recommendations, though the category of Group 'B' Class II was not changed the replacement scale for Secretary to Director. Shri Ramamurthy in the pay scale of Rs. 2000-60-2300-EB-75-3200 was replaced while the Director continued to be the Appointing Authority. The Board of National Institute of Industrial Engineering at the Meeting No. 73 accepted the Fourth Central Pay Commission recommendations. The true copy of the Agenda is enclosed hereto. The true copies of the above mentioned papers are annexed hereto and marked as Exhibits A-1 to A-4 collectively. Thus it is very much clear that the Director is the Appointing Authority to Class II-B Group. He has the powers to institute enquiry, frame charge sheet and issue dismissal order dated 22-11-1988."

It is not in dispute that the workman was appointed on the recommendation of the Selection Committee, duly approved by the Director who was the appointing authority of the workman. Rule 7 in chapter 4 of the Service Rules of NITIE reads as follows:—

"7. Appointing Authorities:

7.1 Appointment to a post in the Institute shall be made:

- (i) In the case of permanent post having a pay scale with a maximum above Rs. 1200 by the Board.
- (ii) In the case of temporary posts having a pay scale with a maximum above Rs. 900 by the Chairman or Vice-Chairman.

(iii) The Director, in the following cases:

- (a) Permanent posts having a maximum of Rs. 1200 and below.
- (b) Temporary posts having a maximum of Rs. 900 and below.
- (c) Casual posts on daily wages upto Rs. 25 per diem.

NOTE: The Director may, at his discretion, delegate these powers in respect of permanent and temporary posts having maximum of Rs. 300 and below and all casual posts to Registrar.

Thus the Director was the Appointing Authority of the workman in accordance with the relevant rules.

19. Merely because, later on the pay scale of the workman was revised to Rs. 2000—60—3200 does not mean that the Appointing Authority of the workman had been changed. By revision of pay scales, the Director did not cease to be appointing authority, of the workman and therefore, it is difficult to countenance the contention that Director was not competent to dismiss the workman.

20. Two more infirmities were pointed out at the time of arguments in the order of dismissal one infirmity is said to have arisen because of a certain recital in show cause memo dated 11th November, 1988. Para 7 of this memo reads as follows:

"Shri Ramamurthy is hereby directed to show cause within 10 days of receipt of this memo as to why disciplinary action including dismissal be imposed on him as per NITIE Service Rules. His failure to submit his explanation within the above stipulated time the undersigned will take further step as may be deemed fit."

It is submitted that the notice was vague and from this, the workman could not have contemplated that he would be dismissed. His contention deserves to be stated only for the sake of rejection. Para 7 of the memo dated 11th November, 1988 clearly proposes the action "including dismissal". Hence, the contention is devoid of all merit.

21. The next contention was that while passing dismissal order dated 22nd November, 1988, the Director took into consideration the subsequent behaviour of the workman. Reference is made in this regard to para 3 of the said dismissal order which reads as follows:

"It is also to be noted that even after the issue of the charge sheet dated 28th/29th June, 1988 Shri Ramamurthy continued to misbehave and addressed letters to the undersigned amounting to subversive of discipline and unbecoming of an employee of the Institute. This has been incorporated in the memo No. 109/88 dated 15th November, 1988 issued to him."

This is true that subsequent behaviour of the workman has also been noticed in the order of dismissal. However, a careful reading of the dismissal dated 22nd November, 1988 goes to show that the order of dismissal was passed on the basis of charges proved against Shri Ramamurthy which were considered to be of grave and serious nature by the Director. In para 2 of the dismissal order, the Director has specifically said:

"Charges proved against Mr. Ramamurthy are of a grave and serious nature and Shri Ramamurthy deserves to be dismissed from service of the Institute."

22. It may be noticed that para 3 only makes an observation regarding the subsequent conduct of Shri Ramamurthy and it does not appear that this subsequent conduct of Shri Ramamurthy was taken into consideration while passing the order of dismissal.

23. Before the Apex Court in (1963) 1 I.L.J. 122 India Marine Services Private Ltd., a similar question arose whether the dismissal order was passed on the extraneous considerations or mention of extraneous considerations was only

to fortify the dismissal and were not the basis of dismissal. The Apex Court recognised the fact that the past record of the workman had also been taken into consideration in passing the order of dismissal, but it went on to observe—

“It does not follow from this that that was the effective reason for dismissing him. The Managing Director having arrived at the conclusion that service had to be terminated in the interest of discipline, he added one sentence to give additional weight to the decision already arrived at. Upon this view it could follow that the tribunal was not competent to go behind the finding of the Managing Director and consider for itself, the evidence adduced before him. The order of the Tribunal quashing the dismissal of Bose and directing his re-instatement is, therefore, set aside as being contrary to law.” (Emphasis supplied).

This observation fortifies me in my opinion that the order of dismissal was passed by the Director on the basis of gravity and serious nature of the charges. The Director did refer subsequently to the subsequent misbehaviour of the workman in para 3 of the dismissal order but the observation regarding subsequent misbehaviour was not the effective reason for dismissing the workman and the fact had been noticed of subsequent misbehaviour only with a view to fortify the order of dismissal already made in para 2 of the dismissal order. In my opinion this does not vitiate the order of dismissal duly passed by the Director who was the appointing authority of the workman.

In view of what I have said above, I find that the enquiry held against the workman was legal, fair and proper and does not suffer from any infirmity and hence cannot be said to be vitiated on any account. Award Part-I is made accordingly. However, the matter shall now go for hearing the parties on the question of perversity of the findings of the Enquiry Officer and examining if the finding of guilt is based on legally acceptable evidence. The matter is adjourned for hearing the parties on the said question to 7th July, 1997.

Award (Part-I) be notified to all concerned.

R. S. VERMA Presiding Officer

नई दिल्ली, 1 सितम्बर, 1999

का.ग्रा. 2761.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-8-99 को प्राप्त हुआ था।

[सं. एण-20012/19/95-आई. आर. (सी-I)]

बी. एस. ए. एस. पी. राजू, डेस्क अधिकारी

New Delhi, the 1st September, 1999

S.O. 2761.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/S B.C.C. Ltd., and their workman, which was received by the Central Government on 30-8-99.

[No. L-20012/19/95-IR(C-I)]
V. S. A. S. P. RAJU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. B. Chatterjee,
Presiding Officer.

In the matter of an Industrial Dispute under
Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 9 of 1996

PARTIES :

Employers in relation to the management of
Katras Area IV of M/s. BCCL and their
workmen.

APPEARANCES :

On behalf of the workmen : None.

On behalf of the employers : None.

STATE : Bihar.

INDUSTRY : Coal.

Dated, Dhanbad, the 19th August 1999

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/19/95-IR (Coal-I), dated, the 29th January, 1996.

SCHEDULE

“Whether the action of the management of Katras Area of M/s. BCCL in not providing employment to Sri Sharma Koal, dependent son of Late Chando Koal is justified? If not, to what relief the dependent son is entitled?”

2. In this reference none of the parties turned up before this Tribunal nor took any steps, although notices were served upon them. The reference is pending since 1996 and it is of no use to drag the same any more. Under such circumstances, a ‘No Dispute’ Award is being rendered and the reference is disposed of on ‘No Dispute’ Award basis on the presumption of non-existence of any industrial dispute between the parties presently.

E. B. CHATTERJEE, Presiding Officer

नई दिल्ली, 1 सितम्बर, 1999

का.ग्रा. 2762.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों

और उनके कर्मचारों के बीच, अनुबंध में, निर्विष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-8-99 को प्राप्त हुआ था।

[सं. एल-20012/58/95-आई.आर. (सी-I)]
वी.एस.ए.एस.पी. राजू, डेस्क अधिकारी

New Delhi, the 1st September, 1999

S.O. 2762.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s B.C.C. Lal., and their workman, which was received by the Central Government on 30-8-99.

[No. L-20012/58/95-IR(C-I)]
V. S. A. S. P. RAJU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT
DHANBAD

PRESENT :

Shri B. B. Chatterjee,
Presiding Officer.

In the matter of an Industrial Dispute under
Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 34 of 1996

PARTIES :

Employers in relation to the management
of Bhagaband Colliery of M/s. BCCL
and their workmen.

APPEARANCES :

On behalf of the workmen : None.
On behalf of the employers : None.

STATE : Bihar. INDUSTRY : Coal.
Dated, Dhanbad, the 19th August, 1999

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/58/95-IR(Coal-I), dated, the 11/12th March, 1996.

SCHEDULE

“Whether the demand by the Union for re-assessment of the age of Shri Jita Manjhi Ex-Pump Operator is justified ? If so, to what relief is the workman entitled to ?”

2. In this reference none of the parties appeared before this Tribunal nor took any steps although notices were served upon them. The reference is pending since 1996 and it is of no use to drag the same any more. Under such circumstances a ‘No Dispute’ Award is being rendered and the reference is disposed of on ‘No Dispute’ Award basis on the presumption of non-existence of any industrial dispute between the parties presently.

B. B. CHATTERJEE, Presiding Officer

नई दिल्ली, 1 सितम्बर, 1999

का.आ. 2763.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सैसर्स सी.सी.एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में, निर्विष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-8-99 को प्राप्त हुआ था।

[सं. एल-20012/131/95-आई.आर. (सी-I)]

वी.एस.ए.एस.पी. राजू, डेस्क अधिकारी

New Delhi, the 1st September, 1999

S.O 2763.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s C. C. Ltd., and their workman, which was received by the Central Government on 30-8-99.

[No. L-20012/131/95-IR(C-I)]

V. S. A. S. P. RAJU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT
DHANBAD

PRESENT :

Shri B. B. Chatterjee,
Presiding Officer.

In the matter of an Industrial Dispute under
Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 59 of 1996

PARTIES :

Employers in relation to the management of Barkakana Area of M/s. CCL and their workmen.

APPEARANCES :

On behalf of the workmen : None.

On behalf of the employers : None.

STATE : Bihar. INDUSTRY : Coal.

Dated, Dhanbad, the 20th August, 1999

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/131/95-IR(Coal-I), dated, the 4th April, 1996.

SCHEDULE

"Whether the action of the management of Barkakana Area of M/s. C.C. Ltd. in not allowing the concerned workman, Shri Hari Shankar to appear before Apex Medical Board to reassess his date of birth is proper and justified ? If not, to what relief the concerned workman is entitled ?

2. In this reference none of the parties turned up before this Tribunal nor took any steps although notices were issued to them. The reference is pending since 1996 and it is of no use to drag the same any more. Under such circumstances a 'No Dispute' Award is being rendered and the reference is disposed of on 'No Dispute' Award basis on the presumption of non-existence of any industrial dispute between the parties presently.

B. B. CHATTERJEE, Presiding Officer

नई दिल्ली, 1 सितम्बर, 1999

का.आ. 2764.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सैमर्स ए.बी.टी. कैरियर्स के प्रबंधकों के संयंत्र नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम, 1947, धारा 17 के अधीन प्रकाशित करती है, जो केन्द्रीय सरकार को 30-8-99 को प्राप्त हुआ था।

[सं. एल-20012/142/94-आई.आर. (सी-1)]

बी.एस.ए.एस. पी. राजू, डेस्क अधिकारी

New Delhi, the 1st September, 1999

S.O. 2764.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal,

No. 2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s A.B.T. Carriers and their workman, which was received by the Central Government on 30-8-99.

[No. L-20012/142/94-IR(C-I)]

V. S. A. S. P. RAJU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. B. Chatterjee, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 101 of 1996

PARTIES :

Employers in relation to the management M/s. A. B. T. Carriers (Ex-Serviceman) Pvt. Ltd., Contractor and their workmen.

APPEARANCES :

On behalf of the workmen : None.

On behalf of the employers : None.

STATE : Bihar. INDUSTRY : Coal.

Dated, Dhanbad, the 19th August, 1999

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/142/94-IR(Coal), dated, the 9th September, 1996.

SCHEDULE

"Whether the action of the management of M/s. A.B.T. Carriers (Ex-serviceman) Pvt. Ltd., Contractor Camp: Piparwar at Piparwar, PO. Bachara Distt. Hazari-bagh is justified in terminating the services of their workmen S/Shri Raju Munda, Driver, Rajesh Poswan, Khalasi, Indradev Nayak Driver and Nagendra Singh, Driver w.c.f. 2-10-93, 12-8-93, 31-7-93 and 31-7-93 respectively ? If not, to what relief are the workmen entitled ?"

2. In this reference none of the parties turned up before this Tribunal nor took any steps although notices were duly served upon them. The reference is pending since later part of 1996 and it is of no use to drag the same. Under such circumstances a 'No Dispute' Award is being rendered and the reference is disposed of on 'No Dispute' Award

basis on the presumption of non-existence of any industrial dispute between the parties presently.

B. B. CHATTERJEE, Presiding Officer

नई दिल्ली, 1 सितम्बर, 1999

का.आ. 2765.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधन के संरक्षित श्रमिकों और उनके कर्मचारियों के बीच, अनुबंध में, निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, सं. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-8-99 को प्राप्त हुआ था।

[स. एन-20012/217/95-आई.आर. (सं-1)]

बी.बी.एच.एच. पी. राजू, डेस्क अधिकारी

New Delhi, the 1st September, 1999

S.O. 2765.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s B.C.C. Ltd., and their workman, which was received by the Central Government on 30-8-99.

[No. L-20012/217/95-IR(C-1)]

V. S. A. S. P. RAJU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT
DHANBAD

PRESENT :

Shri B. B. Chatterjee,
Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 108 of 1996.

PARTIES :

Employers in relation to the management of
Kusunda Area of M/s. BCCL and their
workmen.

APPEARANCES :

On behalf of the workmen : None.

On behalf of the employers : None.

STATE : Bihar.

INDUSTRY : Coal

Dated, Dhanbad, the 20th August, 1999

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section

10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-2001/217/95-IR(Coal-I), dated, the 16th September, 1996.

SCHEDULE

"Whether the action of the management of M/s. B.C.C.L. in not giving notional seniority to Shri Mahadev Nandi and not placing him in Grade-I w.e.f. 1977 is justified? If not, to what relief is the said workman entitled?"

2. In this reference none of the parties turned up before this Tribunal nor took any steps although notices were issued to them. The reference is pending since 1996 and it is of no use to drag the same any more. Under such circumstances, a 'No Dispute' Award is being rendered and the reference is disposed of on 'No Dispute' Award basis on the presumption of non-existence of any industrial dispute between the parties presently

B. B. CHATTERJEE, Presiding Officer

नई दिल्ली, 1 सितम्बर, 1999

का.आ. 2766.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधन के संरक्षित श्रमिकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, सं. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-8-99 को प्राप्त हुआ था।

[स. एन-20012/376/96-आई.आर. (सं-1)]

बी.बी.एच.एच. पी. राजू, डेस्क अधिकारी

New Delhi, the 1st September, 1999

S.O. 2766.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. B.C.C. Ltd. and their workman, which was received by the Central Government on 30-8-1999.

[No. L-20012/376/96-IR(C-1)]

V. S. A. S. P. RAJU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT
DHANBAD

PRESENT :

Shri B. B. Chatterjee, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 83 of 1997

PARTIES :

Employers in relation to the management of M/s. B.C.C. Ltd. and their workman.

APPEARANCES :

On behalf of the workman : Shri S. Pal, Advocate.

On behalf of the employers : Shri B. Joshi, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dated, Dhanbad, the 17th August, 1999

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012|376|96-IR(C-I), dated, the 19th August, 1997.

SCHEDULE

“Whether the claim of the workman Sh. Ram Prabesh Pasi that he has been illegally dismissed by the management of Sudamdih Area of M/s. BCCL is legal and justified? If so, whether his demand for the reinstatement with full back wages is legal and justified and what relief is the workman entitled to?”

2. The concerned workman has made out a case in his W.S. of demand to the effect the brother of late Ram Chandra Pasi while working in Sudamdih Colliery Washery expiry on 4-10-76 leaving behind his widow Sumitra Devi and children. The widow of the said workman agreed to provide employment to the brother of her husband, the concerned workman on condition of maintaining her. The concerned workman accepted the offer of employment by shouldering the liability of maintaining Sumitra Devi and her children. The son of said Sumitra Devi has now become a graduate and he is aged about 32 years acting as private tutor and having his small own business by the earning of which he can maintain himself as well as his mother. The concerned workman was living in quarter No. 681 River side colony Sudamdih with Sumitra Devi and her family. Subsequently the wife of the concerned workman started living with him in the same quarter which said Sumitra Devi could not accept and as per her desire the concerned workman started living separately with his wife in a rented house but in doing so he never refused to maintain Sumitra Devi the widow of his brother yet Sumitra Devi for the reasons best known to her started a criminal case against the concerned workman being C.P. No. 362|84 alleging cheating and breach of trust. The concerned workman was, however, acquitted in that case by the judgement dt.

7-4-89 passed by the Judicial Magistrate First Class named Sri Rai Satish Bahadur. Thereafter the said Sumitra Devi started a Civil Suit against the G. M. Sudamdih Area and the concerned workman claiming a sum of Rs. 1,35,000 towards her maintenance etc. in the Court of the Subordinate Judge, First Court at Dhanbad registered as Title Suit No. 74|92. But the said suit was also dismissed. Thereafter when the widow of the concerned workman failed in her attempt in the Criminal case as well as in the Civil Suit in getting relief she renewed her claim before the management as a result of which a chargesheet was issued against the concerned workman being No. BCC|SCW|95|1574 on 11-4-95 alleging wilful disobedience of proper and justified order of the management and practising fraud and dishonesty with the company on the allegation that the concerned workman was offered the job under the management on condition that he would provide maintenance to Sumitra Devi as per written undertaking dt. 25-5-77 which was violated. The concerned workman in his reply to the said chargesheet denied the allegation and also asserted in writing to the management requesting them to deduct suitable amount from his salary towards maintenance of Sumitra Devi and to pay the same to her towards her maintenance and thereby expressed his willingness to maintain the widow of his brother. The management however was not satisfied with such offer|proposal|request of the concerned workman and constituted a departmental enquiry against the concerned workman in which also the concerned workman was not given full opportunity of cross-examining the management witnesses or to adduce evidence in his defence. Ultimately he was found guilty of the charges and thereafter by serving a second notice upon him the management dismissed him from service although he submitted satisfactory reply to the second notice. The order of dismissal was passed on 15-12-95. Such order passed against the concerned workman by the Project Officer of Sudamdih Coal Washery was not at all legal or justified for which the concerned workman was left with no other alternative but to raise an industrial dispute giving rise to the present reference. Since the concerned workman was always willing and is still willing to maintain the widow of his deceased brother the order of dismissal passed against the concerned workman is illegal, arbitrary and against the principles of natural justice. The concerned workman is therefore entitled to an order for reinstatement with full back wages as well an order for payment of damages. The concerned workman has, therefore, prayed for an award in his favour by directing the management to reinstate him with full back wages and to pay damages upon a finding that the order of dismissal passed by the management against him is illegal and unjustified.

3. The management side also filed a W.S wherein it has challenged the maintainability of the

present reference and made out a case to the effect that the concerned workman Shri Ram Prabesh Pasi was appointed by letter dt. 6-6-77 purely on compassionate ground as a special case for maintaining Sumitra Devi widow of Ram Chandra Pasi under certain stipulated condition incorporated in the appointment letter. The brother of the concerned workman Ram Chandra Pasi was piece-rated miner of Sudamdih Colliery who died in 1976 in an accident inside the mines in the month of October and his widow Sumitra Devi was appointed in his place as his dependant but she could work hardly for 15 days and approached the management for providing the concerned workman with employment in her place and on the understanding that the concerned workman would look after her and the members of the family of late Ram Chandra Pasi. The condition of appointment was such that the moment the management would be convinced that the concerned workman is neglecting in maintaining Sumitra Devi and acted in any such manner harmful to her his services would be terminated. The concerned workman after acceptance of the employment on such terms and conditions maintained Smt. Sumitra Devi properly for some period but after a lapse of few years he started neglecting her as a result of which the said Sumitra Devi initiated a criminal action against the concerned workman and also approached the management for taking appropriate action in terms of the stipulated condition incorporated in the letter of appointment for his failure to comply with the terms and conditions. The management made attempt to convince the concerned workman to abide by the terms and conditions of his employment that too no purpose and the concerned workman did not file any settlement between him and the said Sumitra Devi for which a letter dt. 21-3-95 was issued to the concerned workman directing him to maintain the widow of his brother properly. According to the terms and conditions of the letter of appointment but the concerned workman did not comply with such direction of the management for which a chargesheet dt. 11-4-95 was issued against him for commission of misconduct under clause 26.1.10, 26.1.11 and 26.1.20 of the certified standing orders of the company. The concerned workman submitted his reply to the said chargesheet denying the allegation of neglecting to maintain the widow of his brother properly and that allegations levelled by Sumitra Devi the widow of Ram Chandra Pasi were false and incorrect. The management thereafter appointed Sri R. P. Srivastava, Dy. P.M. as Enquiry Officer and Shri Pradip Kumar Bhattacharya, Superintendent as management's representative for holding a departmental enquiry relating to the chargesheet issued to the concerned workman. The departmental enquiry was held on 5-5-95 in presence of the concerned workman after giving full opportunity to cross-examine the management's witnesses and to give him own statement in his defence. He was given opportunity to adduce evidence in his

defence. The Enquiry Officer submitted his report on 21-6-95 holding the concerned workman to be guilty of the misconduct charged against him. Thereafter a second showcause notice was issued to the concerned workman by the disciplinary authority and was also served with a copy of the Enquiry report calling upon him to submit his say with regard to the finding of the Enquiry Officer. The management thereafter on considering all the materials on record came to the conclusion that the concerned workman committed misconduct mentioned in the chargesheet and approved the dismissal of the concerned workman from service. Accordingly he was dismissed from service by order dt. 15-12-95. The action of the management in dismissing the concerned workman was legal, bona-fide and justified. The concerned workman is therefore not entitled to any relief and the reference should accordingly be answered in favour of the management by an Award to that effect.

4. In addition to the case made out in the W.S. the management side has also submitted their comments in respect of the contents of different paras of the W.S. In doing so the management has abstained from submitting any comment in respect of the contents of para-1 of the W.S. of the workman. In respect of contents of para 2 of the W.S. the say of the management is that those are not fully correct except that Sumitra Devi and her children were dependents of Ram Chandra Pasi who died in an accident in October, 1996.

5. In respect of contents of para 3 of the W.S. the say of the management is that those are not fully correct. In fact Sumitra Devi was provided with employment in place of her husband Ram Chandra Pasi but she worked for 15 days when the concerned workman entered into an agreement with Sumitra Devi for maintaining her as well as her family and on approach being made to the management by said Sumitra Devi the concerned workman was provided with employment on compassionate ground as a special case although he was not the dependent of Ram Chandra Pasi.

6. The contents of para 4 of the W.S. of the workman according to the management are not fully correct except that the concerned workman started working from 1977 as per terms and conditions mentioned in the appointment letter.

7. The contents of paras 5, 6, 7 of the W.S. of the workman according to the management are irrelevant and beyond the scope of the departmental enquiry. The say of the management in respect of the contents of paras 8, 9 of the W.S. is that those are not fully correct as the management never sat on appeal on the judgement of the criminal and of the Civil Court.

8. The say of the management in respect of the contents of para 10 of the W.S. that those are incor-

rect and as such denied including the assertion of the concerned workman that he acted bonafide and maintained Sumitra Devi properly etc. The content of para-11 and 12 of the W.S. according to the management are matter of record and as such the management abstained from giving any comments in respect of the contents of those paras while in respect of the contents of para-13 and 14 the say of the management is that those are not fully correct as there was no stipulation in the letter of appointment of the concerned workman for reduction of any amount from his salary and to pay the same to Sumitra Devi towards for maintenance rather the terms and conditions of appointment were such that in case if he refused to maintain Sumitra Devi his service would be terminated. In respect of the contents of para-15 of the W.S. of the workman the say of the management is that those are incorrect and as such denied. So also in respect of the contents of para-16. In respect of para-17 and 18 of the W.S. the say of the management is that those are not fully correct, although a second notice was issued against the concerned workman to show cause against the proposed penalty of dismissal from his service of the claim of the concerned workman of victimisation etc. are not at all correct. The contents of para 19 of the W.S. being matter of record the management has abstained from giving any comments in respect of those and ultimately the management has again claimed that the concerned workman is not entitled to the relief prayed for or any other relief.

9. The point for decision is whether the concerned workman is entitled to an order for reinstatement with full back wages upon a finding that the action of the management in dismissing him from service is illegal and unjustified.

10. DECISIONS AND REASONS

The parties abstained from adducing any oral evidence in support of their respective case. The papers in connection with the domestic enquiry were produced in course of hearing of the reference. Learned Advocates advanced their argument in support of their respective cases made out in the pleadings. There is no dispute that the concerned workman was appointed on the basis of an approach made by the widow of deceased employee of the management Ram Chandra Pasi although the widow Sumitra Devi was initially appointed by the management as his dependant but she could serve for more than 15 days. It has been asserted in the W.S. of the management that the concerned workman was not the dependent of said Ram Chandra Pasi which has practically remained unchallenged as the concerned workman has abstained from submitting anything as against that assertion by way of submission of rejoinder. There is also no dispute that on the basis of the approach made by Sumitra Devi the concerned workman though appointed on compassionate ground but as a special case on

certain terms and conditions that he would not only maintain the widow of the deceased employee of Ram Chandra Pasi but he would also not neglect in maintaining her. Similarly there is no dispute that the concerned workman after obtaining the employment under the management was maintaining the said Sumitra Devi and her family properly and there was no dispute or complaint but subsequently the said Sumitra Devi started a criminal as well as a Civil suit against the concerned workman and ultimately on being approached the management started taking steps against the concerned workman for violation of the terms and conditions of employment because of his refusal or negligence to maintain Sumitra Devi and her family which gave rise to the issue of chargesheet against the concerned workman and constitution of domestic enquiry which on completion resulted in the order of dismissal against the concerned workman. The concerned workman being aggrieved by such action of the management raised an industrial dispute giving rise to the present reference for adjudication as to the correctness, legality etc. of the order of dismissal passed against the concerned workman. The concerned workman has specifically pleaded in his W.S. that he never neglected to maintain the said Sumitra Devi, that he is still willing to maintain her and also to the effect that the son of Sumitra Devi has graduated himself and he himself is competent to maintain his own earning by as a private tutor as well as from his business. The concerned workman went so far in his pleading giving his consent to the management for deducting adequate sum from his salary and to pay the same to Sumitra Devi towards her maintenance. The management, as I find from the papers forming part of the record and from the papers of the departmental proceeding is not willing to shoulder such responsibility of deducting of any such sum from the salary of the concerned workman and to pay the same to Sumitra Devi towards her maintenance. Since the concerned workman has expressed his willingness in his pleading that he is still willing to maintain Sumitra Devi, the widow of Ram Chandra Pasi as per terms and conditions of his appointment and since it has not been disputed that the son of Sumitra Devi has attained majority and he is also his own earning for his livelihood, I fail to understand why the management is reluctant to shoulder such simple responsibility of deducting of certain portion of the salary towards maintenance of Sumitra Devi and to pay the same to her by way of compliance of the terms and conditions of the employment. It is not the case of the management in their W.S. that as per terms and conditions of appointment of the concerned workman that he must maintain Sumitra Devi in common mess and residence but at the same time it cannot be said in view of the pleadings and other materials available on record that he is not inclined in maintaining Sumitra Devi in any way yet for the reason known to the management is has issued a chargesheet against the concerned workman and

after conducting departmental enquiry dismissal him from service without making any arrangement for maintaining Sumitra Devi which was the purpose of dismissal of the concerned workman. Learned Advocate on the side of the workman has relied upon a decision of Hon'ble Supreme Court reported in 1995 Supreme Court cases (L & S) page 196 for the purpose of showing that when the Criminal case has ended in acquittal on merit there is no scope to open departmental proceeding for the purpose of punishing a particular employess once again. The present case of the concerned workman according to the learned Advocate is on the same footing as the criminal case was started against him at the instance of Sumitra Devi alleging breach of trust and cheating which has ended in acquittal of the concerned workman on merit and as such the management had no right to issue any chargesheet and conduct any departmental enquiry. On the other hand learned Advocate for the management has relied upon a decision of Hon'ble High Court of Judicature at Patna reported in 1978 Lab I.C. Page 1949 and tried to submit justifying that the action of the management for dismissing the concerned workman for misconduct by way of violation of the terms and conditions of appointment. I have already stated that the concerned workman has specifically asserted in his W.S. that he is still willing to maintain Sumitra Devi and for that purpose he even opted to the deductions of certain sum from his salary towards maintenance of Sumitra Devi by the management and to pay the same to her. As I have already stated that the management has not denied the same but exhibited its reluctance to shoulder such responsibility by simply saying in their W.S. that there was no such terms and conditions I am simply unable to accept such type of assertion and constrained to hold that inspite of such type of bonafide on the part of the concerned workman the management was not at all justified in issuing any chargesheet against him and thereafter by conducting departmental enquiry dismissing him from service on the allegation of violation of the terms and conditions of his appointment. I, therefore cannot but hold that the concerned workman is entitled to an order for reinstatement with full back wages. The action of the management in dismissing him from service is not at all legal and justified. The above point is thus decided in favour of the concerned workman and the reference is thus adjudicated against the management. I direct the management to reinstate the concerned workman with full back wages and other consequential benefits but without paying any amount towards damages as claimed by him in the W.S. I further direct the management to shoulder the responsibility of deducting 25% of his total emoluments right from the date of his dismissal and thereafter such percentage of each month and go on paying the same to Sumitra Devi by Bank draft or Account payee cheque or by Money

Order after deducting the Money Order commission or draft charges if any.

This is my Award.

B. B. CHATTERJEE, Presiding Officer

नई दिल्ली, 1 सितम्बर, 1999

का.आ. 2767.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स सी.सी.एल.के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, सं. 2, धनबाद के फैाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-8-99 को प्राप्त हुआ था।

[सं. एल-24012/58/87-डी-IV(बी)आई.आर.(सी.-I)]

बी.एस.ए.एस. पी. राजू, डैस्क अधिकारी

New Delhi, the 1st September, 1999

S.O. 2767.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. C.C. Ltd. and their workman, which was received by the Central Government on 30-8-99.

[No. L-24012/58/87-D. IV(B)-IR(C-I)]

V. S. A. S. P. RAJU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. B. Chatterjee,
Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act., 1947.

REFERENCE NO. 306 OF 1987

PARTIES :

Employers in relation to the management of Laiyo-Jharkhand Collieries of M/s. Central Coalfields Limited and their workmen.

APPEARANCES :

On behalf of the workmen : Shri R. N. Ganguly,
Advocate.

On behalf of the employers : Shri D. K. Verma,
Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dated, Dhanbad, the 16th August, 1999

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012/58/87-D. IV(B), dated, the 9th/15th December, 1987.

SCHEDULE

"Whether the action of the Management of Laiyo-Jharkhand Collieries of Central Coalfields Ltd. P.O. Kedla Dist. Hazaribagh in denying appointment to Smt. Lalti Devi w/o late Ram Janam Ram under para 9.3.4 of NCWA-III when her husband passed away during his sickness, is legal and justified? If not, to what relief the concerned workman is entitled?"

2. The applicant Smt. Lalti Devi has made out a case in her statement of demand which may be stated as follows :—

The applicant Lalti Devi raised an industrial dispute over her claim for employment in place of her husband on the ground that her husband Ram Janam Ram was an employee of CCL working as E. P. Electrician. While the husband of the applicant was so working she went on casual leave for 3 days from 6-9-83 to 9-9-83 and went to his native village where he fell serious ill and unable to come back to the place of work and report for duty and sent applications for extension of his leave from time to time. But after the prolonged continuous suffering he ultimately died on 3-4-84 and the manner in which the husband of the lady applicant expired amounted to disability on account of suffering from certain disease resulting loss of employment on his expiry and as such the applicant wife of said Ram Janam Ram is entitled to get employment under clause 9.4.3 of NCWA-III as well as also under clause 9.4.2 of NCWA-III. The applicant lady submitted an application before the management for providing her with employment in place of her husband immediately after expiry of the husband but the management refused to provide the lady applicant with employment under clause 9.4.3 or under clause 9.4.2 of NCWA-III resulting in raising an industrial dispute by the applicant lady. The management took plea in that dispute that the services of Ram Janam Ram was terminated with effect from 25-11-83 on account of unauthorised absence from duty and it was well within the jurisdiction of the management to circumvent clause 9.4.3 and 9.4.2 of NCWA-III and thereby it was for the management to make those clauses effective. The plea of the management in that dispute was not however, accepted by the AIC(C) or by the Central Govt. as the management failed to produce any paper relating to the issue of the chargesheet and holding of the domestic

enquiry for the purpose of effective termination of service of said Ram Janam Ram as the entire facts were cooked up by the management subsequently to make out a case for denial of employment to the concerned lady. The applicant lady is therefore entitled to be employed with effect from 5-8-84 the date on which she applied for her appointment to the management. Naturally the applicant lady has prayed for an award in her favour and for directing the management to provide her with employment in place of her deceased husband Ram Janam Ram.

3. The management filed a W.S.-cum-rejoinder as against the claim of the lady applicant wherein the management has challenged the maintainability and legality of the present reference on the ground that the issue covered by the aforesaid reference is not at all an industrial dispute within the meaning of Section 2(k) of the I.D. Act as the applicant lady wife of Ram Janam Ram was never a workman of this management and there was no community of interest between her and the management at any point of time and on that ground alone the reference is liable to be rejected. In addition it has also been claimed by the management that the reference order seeks to enforce implement of clause 9.3.4 of NCWA-III and as such the same cannot be the subject matter of any industrial dispute within the meaning of Section 2(k) of the I.D. Act. The reference order is also liable to be vitiated on that ground too. In addition to these the management has also made out a case that there was no certified standing order of Laiyo Jharkhand Colliery and in the absence of the said certified standing Model Standing Order as framed under the Industrial Employment (S.O.) Act, 1946 are applicable in the present reference. The Model Standing Order expressly provides in S.O. 10

"(e) If a workman remains absent beyond the period of leave originally granted or subsequently extended, he shall lose lien on his appointment unless he —

- (a) returns within 10 days of expiry of his leave, and
- (b) explains to the satisfaction of the manager his inability to return on the expiry of his leave.

In case the workman loses, as aforesaid, his lien on the appointment, he shall be entitled to be kept on the 'badli list'."

In addition to this there is also provision in S.O. 17 of the said Model Standing Orders to the effect that continuous absence without permission and without satisfactory cause for more than 10 days is a misconduct for which a workman may be dismissed from service. In the case of Ram Janam Ram who was an employee of the management and was working as E.P. Electrician since after expiry of

the period of his C.L. he failed to report for his duty or even to satisfy the management as to the cause of such failure within 10 days, his absence from duty is liable to be treated as misconduct and for such misconduct the workman like Ram Janam Ram was liable to be dismissed from service which was in fact done in his case. The management in their W.S. in support of the claim as aforesaid has relied upon a decision of the Hon'ble Supreme Court in the case of National Engineering Industries-versus-Hanuman (1967-2-LLJ-883) in connection with loss of lien to the workman in certain circumstances as it was in case of Ram Janam Ram. The management has also claimed that the said Ram Janam Ram was a habitual absentee during the year 1982 and 1983. In the year 1982 he attended his duties only for 277 days as against 306 working days while in the year 1983 he attended duty upto 5-9-83 for 168 days as against the working days of 209 days upto 5-9-83. The management has however admitted that Ram Janam Ram proceeded on Casual leave from 6-9-83 to 9-9-83 which was sanctioned to him. He left for his native place after taking such casual leave in the district of Gazipur in U.P. but he failed to turn up after expiry of the leave or even to explain to the satisfaction of the management his inability to return to the duty on the expiry of the period of leave for which under the provision of Model Standing Order and as per decision of Hon'ble Supreme Court relied upon by the management the said Ram Janam Ram lost lien of his appointment. He could have been on badli list under the provisions of standing Order had he turned up for duty which he did not do. The management finding no other alternative issued a chargesheet dt. 2/12-11-83 calling for an explanation from the said Ram Janam Ram for absence from duty from 10-9-83 for more than 10 days without permission and with satisfactory cause. Ram Janam Ram failed to submit any explanation and as such the management terminated his services after considering the facts and circumstances of the case by Order dt. 22/25-11-83 with immediate effect on the ground of misconduct. Ram Janam Ram therefore ceased to be in the employment of the management from that date. The lady applicant long thereafter claimed employment under the management in place of Ram Janam Ram on the ground that her husband expired on 3-4-84 which the management could not accept as because Ram Janam Ram died long after loss of his lien on appointment or in other words long after termination of his service by the management. The action of the management in not providing the lady applicant Smt. Lalti Devi with employment as wife of Ram Janam Ram is quite, legal and justified. Under such circumstances the lady applicant is not entitled to any relief and an Award to that effect in favour of the management should be passed. In addition the management has also sub-

mitted parawise comments in respect of contents of different paras of the W.S. submitted on the side of the lady applicant.

4. As against the W.S.-cum-rejoinder of the management the lady applicant has also submitted comments in respect of the contents of different paras of the W.S. of the management making counter demand that the present reference is quite maintainable under the law etc.

5. The point for decision is whether the lady applicant is entitled to a favourable order by an award in her favour after holding the action of the management in denying appointment to her under para 9.3.4 of NCWA-III is not legal and justified ?

DECISIONS AND REASONS

6. Before I enter into discussion of evidence etc. for the purpose of deciding the above point it may be mentioned here that the present reference was first decided by Shri B. Ram, the then Presiding Officer of this Tribunal as far back as on 17-9-92 by an Award in favour of the applicant lady Smt. Lalti Devi directing the management to provide her with employment in the colliery in the minimum category within one month from the date of publication of the Award in the Gazette of India. The management being dissatisfied with the award moved Hon'ble High Court of Judicature at Patna, Ranchi Bench and a case being C.W.J.C. No. 1939/93(R) was registered. The Hon'ble Court was pleased to set aside the award and direct to pass a fresh award in accordance with law in the light of the observation made by the Hon'ble Court in the judgement and as such this Tribunal is required to prepare fresh award on the basis of the materials available on the record on consideration of the same as well as the submission of learned Advocates for the respective parties. The fact that Ram Janam Ram was in service of the management and was acting as E.P. Electrician in a colliery under the management is an admitted fact. Similarly that said Ram Janam Ram while serving in the colliery in his capacity as Electrician applied for C.L. for certain days and he was granted casual leave from 6-9-83 to 9-9-83. Ram Janam Ram availed of that C.L. and went to his native village but did not come back to the colliery for the purpose of reporting for duty is also an admitted position. Then again that the concerned lady applicant submitted an application to the management stating the fact of expiry of her husband and claiming employment under para 9.3.4 of NCWA-III which the management could not accept on the ground that on the date of application so submitted by the lady applicant the wife of the ex-employee Ram Janam Ram was no longer in employment and his service was terminated for misconduct of unauthorised absence from duty without information or without satisfactory reason for which as I have already stated earlier an industrial dispute was raised giving rise

to the present reference. The parties adduced oral as well as documentary evidence in support of their respective cases. The management side in doing so has examined one witness named M. Ram and has also proved certain documents while on the side of the lady applicant she has examined herself by posing herself as W-1 and another G. D. Ram who is W-2 in this reference and has also proved certain documents such as number of postal receipts, photo copy of a certificate granted by a medical practitioner, application submitted by the applicant lady praying for sanction of Rs. 500/- from B. R. Fund vide Ext. W-3, a copy of the office order vide Ext. W-4, another office order vide Ext. W-5 etc. The witness examined on the respective sides have deposed in terms of their respective cases made out in their W.S. Now for the purpose of deciding the above point it is necessary to decide the question as per direction of Hon'ble High Court in para 9.3.4 of NCWA-III is applicable in the instant case for the purpose of granting relief to the lady applicant and for that purpose it has to be looked whether her husband Ram Janam Ram was in service on the date of his expiry. Naturally the question of legality of the order of termination passed against Ram Janam Ram comes into picture and it is necessary to decide incidentally for the purpose of adjudicating the point of reference if the order of termination passed against the said Ram Janam Ram was at all legal or not. Learned Advocate on the side of the management by relying on the decision of Hon'ble Supreme Court in the case of National Engineering Industries-versus-Hanuman reported in 1967-II L.J.L. page 883 submitted that since it is not even necessary to issue the order of termination in cases of automatic loss of lien of a particular worker the order passed against the concerned workman terminating his service is quite justified and was well within the jurisdiction of the management in as much as there is no dispute that Ram Janam Ram after expiry of the sanctioned leave did not come back to the place of his work and report for duty and as such his lien was lost automatically and was liable to be terminated from service. Learned advocate has also drawing my attention submitted that there was no standing order for Laiyo Jharkhand colliery of the management and Model Standing Order was applicable which expressly provide about loss of lien under certain circumstances in case of non-return of a particular workman within 10 days after expiry of the period of his leave and in case of failure to give satisfactory explanation the name of such worker in badli list. Then again it was submitted that under S.O. 17 of the Model Standing Order the effect of continuous absence without permission and without satisfactory cause for more than 10 days is misconduct and in such a case a worker is liable to be dismissed. It is true that the concerned workman after expiry of the period of his Casual leave for the period mentioned above did not come back and report for his duty even after expiry of not only 10 days but for months

together yet in the instant case the lady applicant has produced a number of receipts showing sending of letters giving intimation to the management as to the cause of absence from duty of her husband on expiry of the period of casual leave. It is true that the copies of those applicants sent to the management by post have not been produced but those postal receipts along with verbal statement of WW-1 if taken into consideration it can be said that in fact intimation as to the cause of absence was sent to the management from the side of the worker Ram Janam Ram from time to time and as such cause as per evidence of W-1 and W-2 was prolonged suffering of Ram Janam Ram from certain disease for which he ultimately expired. In the instant case there is no dispute that the management issued a chargesheet against the concerned workman when he failed to come back to the place of his work and report for his duty after expiry of certain period issuance of the chargesheet itself is sufficient to show that in fact the management intended to proceed against the concerned workman under the law by taking disciplinary action for unauthorised absence of Ram Janam Ram on treating the same as misconduct yet for the reasons best known to the management in spite of constituting any domestic enquiry by way of appointing Enquiry Officer and Presenting Officer issued order of termination. If it was at all intended by the management that the service of Ram Janam Ram should be terminated automatically on loss of lien because of his failure to turn up and report for duty after expiry of the period of sanctioned leave there would have been no necessity of issuing any chargesheet against the concerned workman but by passing the order of termination the management in fact passed an order of retrenchment of the concerned workman and that too on the ground of continuous illness of the workman Ram Janam Ram. The order of termination passed against Ram Janam Ram in the instant case has the effect of retrenchment as would be evident from the definition of retrenchment given in Section 2(oo)(c) of I.D. Act, 1947 and if that be the position in that case the provision of Section 25F of the I.D. Act must come into picture which are not only mandatory but condition precedent in a case of retrenchment. Since in the instant case the order of termination passed against Ram Janam Ram has the effect of retrenchment and since the management has nothing to show that they had complied with the mandatory provision of Section 25F of the I.D. Act, 1947 the order of termination passed against Ram Janam Ram was in fact illegal. In that view of the matter when the order of termination of service of Ram Janam Ram itself is illegal only alternative presumption is that Ram Janam Ram was in service on the date of his expiry and as such the management is bound to provide the applicant as dependant wife of said Ram Janam Ram with employment under para 9.3.4 of NCWA-III. Apart from that it is now well settled decision of law that over stay on expiry of

the period of leave already sanctioned to a particular workman is not at all a misconduct and any order of termination or otherwise parting with the service of a particular workman in such a case must be termed as illegal and on that ground also the concerned lady applicant as wife of Ram Janam Ram the deceased employee under the management is entitled to a favourable order for absorbing her in place of her husband specially when there is in fact no denial that the applicant lady/workman is wife of said Ram Janam Ram. Considering all these facts and circumstances of the case, the materials available on record and in view of my above discussion I am constrained to hold that the lady applicant is entitled to a favourable order and the action of the management of Laiyo Jharkhand Colliery of M/s. C. C. L. in denying appointment to her under para 9.3.4. of NCWA-III is illegal and unjustified. I therefore direct the management to provide the lady applicant, the widow of Ram Janam Ram with employment in the minimum category within one month from the date of publication of the Award in the Gazette of India.

This is my Award.

B. B. CHATTERJEE, Presiding Officer

नई दिल्ली, 1 सितम्बर, 1999

का.प्र. 2768.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मस ईडियन एयरलाइन्स लिमि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 1, मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-8-99 को प्राप्त हुआ था।

[सं. एल-11012/26/92-प्रार्. प्रार. (सी-I)]

वी.एस.ए.एस. पी. राजू, डेस्क अधिकारी

New Delhi, the 1st September, 1999

S.O. 2768.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Airlines Ltd. and their workman, which was received by the Central Government on 30-8-1999.

[No. L-11012/26/92-IR(C-J)]
V.S.A.S.P. RAJU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

PRESENT :

Justice Shri C. V. Govardhan, Presiding Officer
Reference No. CGIT-82 of 1993

PARTIES :

Employers in relation to the management of
Indian Airlines.

AND

Their Workmen.

APPEARANCES :

For the Management : Shri K. B. Swamy,
Advocate.

For the Workman : Shri M. B. Anchan,
Advocate.

STATE : Maharashtra

Mumbai, dated the 19th day of August, 1999

AWARD

The Central Government by its order dt. 04-10-93 has referred the following dispute between the Management of Indian Airlines and their workmen Shri K. S. Kadam for adjudication by this Tribunal.

"Whether the claim of Shri K. S. Kadam that his services were unjustifiably terminated by the management of Indian Airlines and that he is entitled for regular appointment in the services of Indian Airlines as a porter/loader helper is justified? What relief, if any, is Shri K. S. Kadam entitled to?"

2. The workman in his Claim statement contends as follows :

The workman belongs to Scheduled Caste category. He was working under the Indian Airlines since 8-6-1982 till 24-11-1985 as a Casual worker with artificial breaks. He was selected for the said post and his name was empanelled by appointment order dt. 26-5-1982. He was appointed as a Porter since 8-6-1982. His appointment was for 90 days but it was extended for 110 days. During the material period, he was given irregular and illegal break by the employer in the service, though the vacancy was permanent. The workman was given artificial break for 15 days in the next year. He

worked for a period of one year from 1-1-83 to 1-12-83 with artificial breaks. He was again selected for the same post and empanelled for the appointment by a letter dt. 19-7-84. The workman worked for 110 days with subsequent break in service and continued in the service for the year 1984 and 1985. The workman applied for the post of Porter-Loader on 18-5-86. He was called for interview held on 16-7-86; but he was not required to appear in the interview, in the year 1986; but yet appeared for the interview as a matter of abundant caution. He was not taken back and it amounts to an illegal and unjustifiable act. The workman therefore, made a representation to the Regional Director, Indian Airlines by a letter dt. 25-7-86. He has stated that though he was selected by the Competent Committee twice earlier he was not made permanent on the said post nor was he called for the interview in the year 1986. He has further, stated that many of his juniors were selected, empanelled and regularised and made permanent in the beginning of 1986. It was a case of discrimination. There was no reply. The workman therefore, filed a complaint to the Regional Labour Commissioner (Central) Mumbai on 14-8-86. The R.L.C. has sent a reply to the same. The workman was jobless and other workers who were juniors to him were regularised. Therefore, he made a representation to the Minister for Tourism and Civil Aviation also. The workman also made representation to the Director, Commission for SC/ST, New Delhi on 17-9-86. He was informed in 1986 that the employer had stated that the aggrieved workman had crossed the age limit on 1-1-85 for that category and therefore, he was not eligible for appointment. The termination is illegal and unjust. He ought to have been regularised and made permanent. There is no age bar since he was already in service though illegal breaks were given to him. The employer has given false reason of eligibility. The termination of the workman dt. 24-11-95 was wholly illegal and unjustifiable. It has therefore, to be set aside. The workman is entitled for relaxation in age limit if that is the only reason. Hence the dispute.

3. The employer in their written statement contends as follows :

Recruitment in Indian Airlines is governed by Recruitment and promotion rules framed

by the Indian Airlines, which have statutory force. The eligibility criteria has been determined for each post. Applications were invited through notification and employment exchange to fill up regular vacancies. Applicant, fulfilling the prescribed eligibility criteria are subject to written test and/or interview to assess their suitability and candidates who are found suitable in the Selection are placed in a panel in order of merit. Appointment to regular vacancies are made by the panels so formed subject to availability of vacancies and applicable reservation orders during the validity of such panels. Casual engagement on daily rated basis is made depending upon requirement on each day to fill certain gaps created by absenteeism of permanent workman and fluctuation in the work load which are unforeseen. For this purpose candidates in panel and who are willing to make themselves available are provided opportunity for employment on Casual daily rated basis depending upon the work requirement on each day. The workman herein was found suitable in the selection and he was placed in the panel also in the year 1982. He was informed that his appointment could be subject to vacancies available during the validity of the panel which was upto 12-4-83. He was also given opportunity of engagement on casual daily rated basis. During 1982 he was engaged on Casual daily rated basis for a total period of 94 days. Since adequate vacancies did not occur to cover up to his position in the panel during its validity he could not be appointed on regular basis. After the expiry of the above said panel the workman was found suitable in the selection and was intimated for appointment subject to the vacancies available during validity of the panel which was upto 27-5-85. It was in accordance with the fresh exercise carried out in accordance with the Recruitment and Promotion Rules of Indian Airlines. The workman was willing for casual engagement on daily rated basis and he was therefore, engaged for a total period of 96 days during the year 1985. As adequate vacancies did not arise to cover up to his position in the panel during its validity, the workman could not be appointed on regular basis. Recruitment to regular post are governed by Recruitment and Promotion Rules of Indian Airlines. The workman was engaged purely on casual and daily rated basis intermittently for a few days here and there depending upon the work requirement.

The workman has therefore, no right to the post or can be absorbed against a regular vacancy. The workman was not employed permanently. There is no question of any termination of service. The panel prepared in 1982 was valid till 12-4-83. He was appointed on casual daily-rated basis during the year 1982 whenever there was necessity for the same. He was not appointed against the regular vacancy as alleged by him. The workman was informed that this appointment is subject to vacancies being available during the validity of the panel which was upto 12-4-83. The workman could not be appointed during the validity of the panel as adequate vacancies did not occur to cover upto his position in the panel. It is denied that he has worked for 110 days as alleged. Indian Airlines has a regular permanent work force. Casual engagement is made only to meet certain contingency such as absentism of permanent, workman, fluctuation in the work load etc. There is no irregularity in the employment. The question of any break in service does not arise since that employment is not of permanent nature. Further opportunity of casual engagement is given to all those borne on the panel who are willing to make themselves available by rotation lest there will be allegations of bias from others if such opportunity is granted to a few people. It is denied that the workman had worked for a period of one year from 1-1-83 to 1-12-83. After his engagement in 1982 he was given another opportunity of casual employment by letter dt. 18-2-85. He was engaged intermittently for a period of 96 days. It is denied that the workman has worked for 110 days in the year 1985. Panels formed to fill up permanent vacancies are valid for specific period. On expiry of the validity of the panel, fresh panels have to be formed as per the procedure laid down in the Recruitment and Promotion Rules. Merely because he was borne on earlier panel which had expired after the validity period, the workman cannot claim any exemption from applying against future notification of claim to be considered for regular appointment from the lapsed panel. After expiry of 1984 panel he had to apply again against the notification issued in 1986. His application can be considered only subject to his fulfilling eligibility criteria. The workman has declared his date of birth as 1-10-49. Despite allowing 5 years relaxation in the upper age limit applicable to Scheduled

Caste candidates he did not fulfil the eligibility criteria, as to the age limit. He has therefore no right to be considered for the post and such non-consideration cannot be construed termination. Adequate vacancies did not occur during the validity of the panels formed in the year 1982 and 1984. Therefore, he could not be appointed. Since he had not fulfilled the eligibility criteria he cannot have any grievance about his non-consideration in the Selection conducted in 1986. No prudence can be given to any person on the basis of his having worked as a casual on daily-rated basis here and there for a few days. The allegation of discrimination is denied. Since the appointment of regular posts are made in order of merit in the panel, the contention of the workman that persons who were juniors to him were appointed is baseless. The Employer is not aware of the communication sent by the Commissioner, Scheduled Caste/Scheduled Tribe to the workman. The Workman cannot have any grievance over his non-consideration for appointment against the regular vacancy and the allegation that he was terminated illegally is not correct. It is denied that the workman had worked since 8-6-82 till 24-11-85 with artificial and illegal breaks or that he had completed 3 years in service. The contention of the workman that he had worked for more than 3 years is not correct. He had not worked continuously at any point of time. The reference is therefore, to be rejected.

4 The Point for consideration is whether Mr. S. Kadam was unjustifiably terminated by the employer/Indian Airlines and if so to what relief Mr. Kadam is entitled?

The Point :

Mr Kadam belongs to Scheduled Caste category. In pursuance of the notification issued by Indian Airlines for the post of Porter, he had applied on 30-10-80 and has also attended an interview. He was found suitable for the post and his name has been empanelled for appointment for the post of porter by Indian Airlines letter dt. 26-5-82. In the said letter it is specifically stated that his appointment however, will be subject to vacancies being available during the validity of the panel which is upto 12-4-83 and subject to rules and regulations in this regard. This letter of intimation sent by the Indian Airlines to Mr. Kadam shows that his appointment has to be made in a vacancy that may arise during the validity of the panel which is upto 12-4-83. This indicates that his selection and empanelling

for appointment to the post of Porter is not a permanent one and it is valid only upto the validity of the panel namely 12-4-83. It indicates that the vacancy should arise before 12-4-83 in order to provide him the employment to the post of porter subject to the rules and regulations. As far as rules and regulations are concerned the age restriction is also one which in the case of Mr. Kadam is upto 35 years on account of the fact that he belongs to Scheduled caste category. This letter dt. 26-5-82 only informs the worker namely Mr. Kadam that he has been selected and he will be appointed if any vacancy arises before 12-4-83 and if he satisfies the rules and regulations for such appointment. Another letter dt. 25-4-82 has been sent to Mr. Kadam by the Indian Airlines informing him that if he is interested in accepting employment as a porter on purely casual basis for a period of 90 days and if he had not worked for 90 days with them during the preceding one year he has to report to the Personnel Officer on 8-6-82 with a certificate, Photos etc. This letter dt. 24-5-82 establishes two things. That the employment of the worker Mr. Kadam is on purely casual daily-rated basis and that too for 90 days only. The worker has accepted this casual appointment and he was in service of Indian Airlines since 8-6-82 is stated by him in his claim statement itself. The third document filed by the worker is a letter dt. 19-7-84 by the Indian Airlines to the worker informing him that in pursuance of the application made by him and interview attended by him he has been empanelled for appointment for the post of porter. This letter also indicates that his appointment would be subject to vacancies made available during the validity of the panel which is upto 27-5-85 and subject to rules and regulations. As per this letter dt. 19-7-84 like the letter dt. 26-5-82 indicates that a regular vacancy should arise during the validity of the panel which is upto 27-5-85 and if such a vacancy arise Mr. Kadam will be appointed subject to rules and regulations. The workman contends that he has worked for more than 110 days and not 90 days only. He also contends that he has worked for the entire period of one year 1-1-83 to 1-12-83 with artificial and illegal breaks. When the letter of appointment as a casual specifically states that he will be given work on a casual basis only for 90 days and that too if he had not worked for 90 days during the preceding one year, his claim that he has worked for the whole year 1983 with breaks is not convincing. It has not been borne out by any documentary evidence also. When he was examined as a witness Mr. Kadam has stated that he has worked as a casual labour for 120 days each on two occasions. This evidence of Mr. Kadam is not in conformity with his pleadings in the Claim statement. Therefore, his claim that he has worked for 110 days or 120 days as the case may be or for the entire year in 1983 with breaks is to be rejected.

5. The worker has also filed another letter by the Indian Airlines dt. 18-2-85 in which it is specifically stated that he is offered appointment as a porter as a casual, on daily-rated basis of Rs. 32.15 for a period of 90 days provided he had not worked during the preceding 12 months. This letter also requires him to produce the certificate, and photographs etc. on 28-2-85. In this letter it is also stated that his candidature for the above post is subject to his possessing the qualifications eligibility criteria stipulated in employment notice and that his candidature is likely to be rejected at any stage if it is found that he has not possessed the required qualifications stipulated, eligibility criteria. According to the workman even though he was selected and his name was included in the panel on two earlier occasions, when he made an application for including his name in the panel on 3rd occasion he was not even called for interview and he was orally informed that since he does not possess the eligibility criteria age, he is not selected and it amounts to discrimination on account of the fact that he was already been selected and empanelled on two occasions. We have already seen that the two earlier letters dt. 26-4-82 and 19-7-84 are in respect of two specific periods during which the panel will be valid. Those letters have also indicated that the selected candidates will be absorbed during the above periods only if any regular vacancy arises. According to the management no regular vacancy arose during the relevant period in order to enable the management to give regular appointment to the workman. It is also the case of the management that candidates who have been selected for regular post and are empanelled are also eligible for appointment on casual basis on daily rated wages if they are willing till they get appointment in a regular vacancy and Mr. Kadam who has been empanelled having expressed willingness to be casual worker on daily rated basis had worked for 90 days each on those two years and he cannot claim by way of any right for regularising his services on the basis of the Selection and holding a casual post. The law in respect of regularisation is well settled in that it has to be done in accordance with the rules against duly sanctioned vacancy. The rules regarding appointment for the post of porters contemplates age limit of 35 years in so far as scheduled caste candidates are concerned. The workman who was got selected on 2 earlier occasions could not get selected on the third occasion on account of the fact that he had crossed more than 35 years when he applied on the third occasion. The workman has addressed the Chairman, Commission of Scheduled Caste and Scheduled Tribe to look into the matter and do the needful. He has received a letter from the Commission intimating him that the matter was taken up with the concerned authorities who have intimated to them that as on 1-11-85 Mr. Kadam was more than 35 years of age and hence he was not eligible for the post of loader. It indicates that the Commission is also satisfied that the contention of

the employee that the workman could not be appointed on account of the fact that he has completed more than 35 years is as per rules. The workman in his evidence has stated that when he was called for interview in 1980 and appointed as casual he was within his age limit. It may be that he was within his age limit in 1980 when he was called for interview and was appointed as a casual; but that fact cannot enable the workman to contend that his appointment being at a time within the age limit, it cannot be stated that he is not fit for appointment as per rules and regulations.

6. The workman was appointed as a Casual on daily rate wages for 90 days in 1982 and 1985 but it was not a continuous period of 90 days. The written statement of the management shows that in 1982 he had worked for 94 days between June and October and in 1985 he has worked for 96 days between June and November. He has worked for few days only in the months concerned. When the workman had worked for a few days only in the month on casual basis on daily rate wages, it indicates that there was no vacancy in which he could be absorbed continuously. The case of the management is that casual workers are employed to fill up the leave vacancy of regular employees and to meet the exigencies of service. The fact that the worker had worked only a few days in a month probablise the version of the management. When there is no vacancy like leave vacancy or vacancies arising out of exigencies directions cannot be given to regularise the service of the workman. In this connection, I would like to refer a decision of the Supreme Court in 1997 Supreme Court page 1445 between State of Himachal Pradesh vs. Nodha Ram and others, wherein the Supreme Court has held that No vested right is created in temporary employees and directions cannot be given to regularise the services in the absence of any existing vacancies to the State to create posts in a non-existent establishment. The employment of the workman being on daily wage on casual basis it goes without saying that such appointment be in relation to contingent establishment and it continues only so long as the work exists. When the work ceases the employment also comes to an end. When the leave vacancy or vacancy arising out the exigency is not present there is no necessity for any daily wage appointment. In the above circumstances the very fact that the workman had worked only for 94 days intermittently in 1982 and 96 days intermittently in 1985 would show that his employment was purely casual and it cannot be made permanent by regularising the same.

7. The workman has relied upon the decision of the CGIT No. 2 in Reference No. 27 of 1992 contending that in similar circumstances CGIT No. 2 has given an Award directing the management to prepare a list of workers on the basis of the first

appointment and to consider the suitability of this person for appointment on regular basis, leaving aside the criteria of age. The said award cannot be of any help to the workman herein, in view of the decision of the Calcutta High Court which has been upheld by the Supreme Court. In the unreported judgment of the High Court of Calcutta in W.P. 3275 of 1989 the learned single judge has held that he does not see how it is unreasonable to reject the absorption of a casual labour departmentally if such absorption is considered at a time when he has crossed the age bar; namely 30 year in case of Catering helper of Indian Airlines. The above judgment of the learned single judge has been confirmed by the division bench also in GA No. 1347 of 1997 matter No. 3275 of 1989. Wherein the division bench of the Calcutta High Court has held that there cannot be any doubt whatsoever that regularisation is not a mode of recruitment and they have held the reason of the learned trial judge who had observed that if a standard of Industrial Discipline has been set up by the first respondent, the Court shall not come into its way and keeping in view the age of the petitioner as on the date of filing of the writ application no relief could be granted to him. The special leave petition preferred against this judgement of the Division bench has been dismissed by the Supreme Court. It shows that the award passed by the learned judge of the CGIT No. 2 giving a direction to the management to consider the suitability of the persons for appointment on regular basis leaving aside the criteria age cannot be accepted. The learned judge who has come to the conclusion that the management of Indian Airlines has committed unfair labour practise in his order has relied upon the decision of the Supreme Court in AIR 1992 Supreme Court page 2130 between State of Haryana and others v. Pura Singh. The learned judge has noted that the lordships of the Supreme Court have observed that in case of long continuous service, presumption for regular need of service would arise applied authority concern to consider with a positive mind feasibility of regularisation—statutory/public corporation should also follow suit—After referring to the Supreme Court judgement the learned judge of the CGIT No. 2 has observed that the facts before him are different from the facts before the Supreme Court case, in that the workers before him are given appointment periodically and that it clearly goes to show that the vacancies were there and they were not appointed because they should not be entitled to regularisation. This observation of the learned judge is not applicable to the case on hand herein since the very fact that the workman herein was appointed on a casual basis on daily rated wages only when any leave vacancy or vacancy arising out of exigencies arose.

8. The learned judge has also referred to the decision of the Supreme Court in Delhi Development Horticulture Employees Union case and has

stated that their lordship of the Supreme Court have observed that the employees there who worked for more than 240 days and claimed regularisation on the basis of the Provisions of the I.D. Act. In our case, the workman herein has not worked for 240 days and claimed regularisation. The learned judge of the CGIT No. 2 has observed that so far as the case before him is concerned it deals with getting regular employment on the pretext of working for more than 240 days and in the case before him the management is rather keen to see that these workers are not employed for more than 240 days with a view that they should not be regularised on that account. After giving this reason the learned judge has observed that the Delhi Development Horticulture Employees Union case has no application. But in so far as the worker herein is concerned he has not claimed that he has worked for more than 240 days in any calendar year. Further, it is not his case that the management is rather keen to see that he is not employed for more than 240 days with a view that he should not be regularised on that account. I am of opinion that on account of the conclusion arrived by the learned judge that the Supreme Court cases referred by him are not applicable to the case on hand before him the learned judge has passed the Award. But in our case, as already pointed out by me there is no occasion for us to hold that the decision of the Supreme Court in Piara Singh case and Delhi Development Horticulture Employees Union are not applicable. Therefore, I am of opinion that the contention of the worker that similarly placed workman have been given an award in their favour and the management has also implemented the same and therefore he is also entitled to an award in his favour with a direction to the management to regularise his service cannot be upheld. Considering all these matters, I hold on the point that Mr. Kadam has not been unjustifiably terminated as claimed by him by the management of India Airlines and therefore, he is not entitled to any relief.

9. In the result, I hold that Mr. Kadam has not been unjustifiably terminated as claimed by him by the management of Indian Airlines and he is not entitled to any relief.

An Award is passed accordingly.

C. V. GOVARDHAN, Presiding Officer

नई दिल्ली, 13 सितम्बर, 1999

का. प्रा. 2769.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 अक्टूबर, 1999 की उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 अध्याय-5 और 6 (धारा 7 की उप-धारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही

प्रवृत्त की जा चुकी हैं) के उपबन्ध आन्ध्र प्रदेश राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“आन्ध्र प्रदेश के जिला मेडक में जहीराबाद मण्डल के अन्तर्गत आने वाले राजस्व ग्राम अलीपुर, अलगोल, डिगडी, पणजोल, हुगली, होती (के) होथी (बी), हैदराबाद, थुमुकुन्टा, काणिमपुर, कोथूर (बी) और जहीराबाद का नगर पंचायत” ।

[संख्या एस-38013/28/99-एस. एम.-1)]

जे. पी. शुक्ला, अवर सचिव

New Delhi, the 13th September, 1999

S.O. 2769.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st October, 1999 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapters V and VI (except sub-section (i) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Andhra Pradesh namely :

“The areas falling within the limits of Revenue villages of Allipur, Alcole, Digdi, Panojole, Heggelly, Hati (K), Hoti (B), Hyderabad, Thumukunta, Khasimpur, Kothur (B) in Zahirabad Mandal and Nagar Panchayat of Zahirabad in Medak District of Andhra Pradesh.”

[No.S-38013/28/99-SS.I]

J. P. SHUKLA, Dy. Secy.

नई दिल्ली, 13 सितम्बर, 1999

का. प्रा. 2770.—कर्मचारी राज्य बीमा अधिनियम 1948 (1948 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 अक्टूबर, 1999 की उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 अध्याय-5 और 6 (धारा 7 की उप-धारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी हैं) के उपबन्ध आंध्र प्रदेश राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“आन्ध्र प्रदेश राज्य में बालगोंडा जिले के श्रीदुप्ल मण्डल के अन्तर्गत आने वाले राजस्व ग्राम श्रीदुप्ल, कोय्यालागुडम, लिम्नोजीगुडम, पन्थानी, लक्कावरम और बीपल्ली की सीमाएं” ।

[संख्या एस-38013/29/99-एस. एस.-I]

शुक्ला, उप सचिव

New Delhi, the 13th September, 1999

S.O. 2770.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st October, 1999 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapters V and VI (except sub-section (i) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Andhra Pradesh namely :

“The areas falling within the limits of Revenue villages of Choutuppal, Koyyalagudem, Lingojigudem, Panthangi, Lakkavaram and Thangedipally in Choutuppal Mandal of Nalgonda District in Andhra Pradesh.”

[F. No. S-38013/29/99-SS.I]
J. P. SHUKLA, Dy. Secy.

नई दिल्ली, 14 सितम्बर, 1999

का.आ. 2771.—केन्द्रीय सरकार संतुष्ट हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (इ) के उपखंड (vi) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का. आ. 906 दिनांक 17 मार्च, 1999 द्वारा दिल्ली दुग्ध योजना को उक्त अधिनियम के प्रयोजनों के लिए 24 अप्रैल, 1999 से छह मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (इ) के उपखंड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 24 अक्तूबर, 1999 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है ।

[फा. सं. एस.-11017/7/97-आई.आर. (पी. एल.)]
एच. सी. गुप्ता, अवसर सचिव

New Delhi, the 14th September, 1999

S.O. 2771.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provisions of sub-clause (vi) of the clause (n) of section 2 of the Industrial Dispute Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S. O. No. 906 dated 17th March, 1999 the industry for the supply of milk under the Delhi Milk Scheme to be a public utility service for the purpose of the said

Act, for a period of six months from the 24th April, 1999;

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months.

Now, therefore, in exercise of the powers conferred by the provision to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a period of six months from the 24th October, 1999.

[F. No. S-11017/7/97-IR(PL)]
H. C. GUPTA, Under Secy.

नई दिल्ली, 14 सितम्बर, 1999

का.आ. 2772.—केन्द्रीय सरकार संतुष्ट हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (इ) के उपखंड (vi) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का. आ. 823 दिनांक 12 मार्च, 1999 द्वारा बैंकिंग उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 19 मार्च, 1999 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छह मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (इ) के उपखंड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 19 सितम्बर, 1999 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है ।

[फा. सं. एस.-11017/5/97-आई.आर. (पी. एल.)]
एच. सी. गुप्ता, अवसर सचिव

New Delhi, the 14th September, 1999

S.O. 2772.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provisions of sub-clause (vi) of the clause (n) of section 2 of the Industrial Dispute Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S. O. No. 823 dated 12th March, 1999 the Banking Industry carried on by a Banking Company as defined in clause (bb) of section 2 of the said Act to be a public utility service for the purpose of the said Act, for a period of six months from the 19th March, 1999;

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months.

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a period of six months from the 19th September, 1999.

[F. No. S-11017/5/97-IR(PL)]

H. C. GUPTA, Under Secy.

नई दिल्ली, 16 सितम्बर, 1999

आ. 2773.—केन्द्रीय सरकार संतुष्ट हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ड) के उपखंड (vi) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.आ. 905 दिनांक 16 मार्च, 1999 द्वारा कोयला उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 16 मार्च, 1999 से छह मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छह मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ड) के उपखंड (vi) के परन्तुक द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 16 सितम्बर, 1999 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है ।

[फा. सं. एस.-11017/2/97-आई.आर. (पी.एल.)]

एच. सी. गुप्ता, अवसर सचिव

New Delhi, the 16th September, 1999

S.O. 2773.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provisions of sub-clause (vi) of the clause (n) of section 2 of the Industrial Dispute Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S.O. No. 905 dated the 16th March, 1999 services in the Coal Industry to be a public utility service for the purpose of the said Act, for a period of six months from the 16th March, 1999.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the

said industry to be a public utility service for the purposes of the said Act for a period of six months from the 16th September, 1999.

[F. No. S-11017/2/97-IR(PL)]

H. C. GUPTA, Under Secy.

नई दिल्ली, 16 सितम्बर, 1999

का.आ. 2774.—केन्द्रीय सरकार संतुष्ट हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ड) के उपखंड (vi) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.आ. 822 दिनांक 12 मार्च, 1999 द्वारा बैंक नोट प्रेस देवाम, (म.प्र.) को उक्त अधिनियम के प्रयोजनों के लिए 17 मार्च, 1999 से छह मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छह मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ड) के उपखंड (vi) के परन्तुक द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 17 सितम्बर, 1999 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है ।

[फा. सं. एस.-11017/4/97-आई.आर. (पी.एल.)]

एच. सी. गुप्ता, अवसर सचिव

New Delhi, the 16th September, 1999

S.O. 2774.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provisions of sub-clause (vi) of the clause (n) of section 2 of the Industrial Dispute Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour No. 822 dated the 12th March, 1999 services in Bank Note Press, Dewas (M.P.) to be a public utility service for the purpose of the said Act, for a period of six months from the 17th March, 1999;

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a period of six months from the 17th September, 1999.

[F. No. S-11017/4/97-IR(PL)]

H. C. GUPTA, Under Secy.